

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
45303	49 App.:1355(a) (last sentence related to fees). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §314(a) (last sentence related to fees), 72 Stat. 754. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.

In this section, the word “Administrator” in section 314(a) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 754) is retained on authority of 49:106(g). The words “services performed under a delegation to the person under section 44702(d) of this title” are substituted for “their services” because of the restatement.

SUBPART IV—ENFORCEMENT AND PENALTIES

CHAPTER 461—INVESTIGATIONS AND PROCEEDINGS

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AMENDMENTS

2003—Pub. L. 108-176, title VI, § 601(b), Dec. 12, 2003, 117 Stat. 2563, added item 46111.

2001—Pub. L. 107-71, title I, § 140(b)(8), Nov. 19, 2001, 115 Stat. 641, substituted “Department of Transportation” for “Secretary of Transportation and Administrator of the Federal Aviation Administration” in item 46106.

§ 46101. Complaints and investigations

(a) GENERAL.—(1) A person may file a complaint in writing with the Secretary of Transportation (or the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) about a person violating this part or a requirement prescribed under this part. Except as provided in subsection (b) of this section, the Secretary, Under Secretary, or Administrator shall investigate the complaint if a reasonable ground appears to the Secretary, Under Secretary, or Administrator for the investigation.

(2) On the initiative of the Secretary, Under Secretary, or Administrator, as appropriate, the Secretary, Under Secretary, or Administrator may conduct an investigation, if a reasonable ground appears to the Secretary, Under Secretary, or Administrator for the investigation, about—

(A) a person violating this part or a requirement prescribed under this part; or

(B) any question that may arise under this part.

(3) The Secretary of Transportation, Under Secretary, or Administrator may dismiss a complaint without a hearing when the Secretary, Under Secretary, or Administrator is of the opinion that the complaint does not state facts that warrant an investigation or action.

(4) After notice and an opportunity for a hearing and subject to section 40105(b) of this title, the Secretary of Transportation, Under Secretary, or Administrator shall issue an order to compel compliance with this part if the Secretary, Under Secretary, or Administrator finds in an investigation under this subsection that a person is violating this part.

(b) COMPLAINTS AGAINST MEMBERS OF ARMED FORCES.—The Secretary of Transportation, Under Secretary, or Administrator shall refer a complaint against a member of the armed forces of the United States performing official duties to the Secretary of the department concerned for action. Not later than 90 days after receiving the complaint, the Secretary of that department shall inform the Secretary of Transportation, Under Secretary, or Administrator of the action taken on the complaint, including any corrective or disciplinary action taken.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1226; Pub. L. 107-71, title I, § 140(b)(1)–(3), Nov. 19, 2001, 115 Stat. 641.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46101(a)(1) ..	49 App.:1482(a) (1st, 2d sentences). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §1002(a), (b), 72 Stat. 788. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.
46101(a)(2) ..	49 App.:1482(b). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46101(a)(3) ..	49 App.:1482(a) (3d sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46101(a)(4) ..	49 App.:1482(c). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §1002(c), 72 Stat. 789; Feb. 15, 1980, Pub. L. 96-192, §25, 94 Stat. 47.
46101(b)	49 App.:1482(a) (4th, last sentences). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In subsection (a)(1), the words “the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) about a person violating this part or a requirement prescribed under this part” are substituted for “the Secretary of Transportation or the Board, as to matters within their respective jurisdictions . . . with respect to anything done or omitted to be done by any person in contravention of any provisions of this chapter, or of any requirement established pursuant thereto” for clarity and because of the restatement. The words “Except as provided in subsection (b) of this section” are added because of the restatement of the source provisions in subsection (b) of this section. The words “If the person complained against shall not satisfy the complaint and” are omitted as surplus.

In subsection (a)(2), before clause (A), the words “the Secretary of Transportation or the Administrator, as

appropriate” are substituted for “The Secretary of Transportation or Board, with respect to matters within their respective jurisdictions” to eliminate unnecessary words. The words “if a reasonable ground appears to the Secretary or Administrator for the investigation” are substituted for 49 App.:1482(b) (last sentence) for clarity and to eliminate unnecessary words. Clause (A) is substituted for “in any case and as to any matter or thing within their respective jurisdictions, concerning which complaint is authorized to be made to or before the Secretary of Transportation or Board by any provision of this chapter . . . or relating to the enforcement of any of the provisions of this chapter” for clarity and to eliminate unnecessary words.

In subsection (a)(4), the words “an opportunity for a” are added for consistency in the revised title and with other titles of the United States Code. The words “compel compliance with this part” are substituted for “compel such person to comply therewith” for clarity. The words “in an investigation under this subsection” are substituted for “in any investigation instituted upon complaint or upon their own initiative” to eliminate unnecessary words. The words “is violating this part” are substituted for “has failed to comply with any provision of this chapter or any requirement established pursuant thereto” for clarity and to eliminate unnecessary words. The words “with respect to matters within their jurisdiction” are omitted as unnecessary because of the restatement.

AMENDMENTS

2001—Subsec. (a)(1). Pub. L. 107–71, §140(b)(1), (2), inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or” after “(or)” and substituted “, Under Secretary, or Administrator” for “or Administrator” in two places.

Subsec. (a)(2). Pub. L. 107–71, §140(b)(2), (3), in introductory provisions, substituted “, Under Secretary, or Administrator, as” for “of Transportation or the Administrator, as” and substituted “, Under Secretary, or Administrator” for “or Administrator” in two places.

Subsec. (a)(3), (4). Pub. L. 107–71, §140(b)(2), substituted “, Under Secretary, or Administrator” for “or Administrator” wherever appearing.

Subsec. (b). Pub. L. 107–71, §140(b)(2), substituted “, Under Secretary, or Administrator” for “or Administrator” in two places.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46102. Proceedings

(a) CONDUCTING PROCEEDINGS.—Subject to subchapter II of chapter 5 of title 5, the Secretary of Transportation (or the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) may conduct proceedings in a way conducive to justice and the proper dispatch of business.

(b) APPEARANCE.—A person may appear and be heard before the Secretary, the Under Sec-

retary, and the Administrator in person or by an attorney. The Secretary may appear and participate as an interested party in a proceeding the Administrator conducts under section 40113(a) of this title.

(c) RECORDING AND PUBLIC ACCESS.—Official action taken by the Secretary, Under Secretary, and Administrator under this part shall be recorded. Proceedings before the Secretary, Under Secretary, and Administrator shall be open to the public on the request of an interested party unless the Secretary, Under Secretary, or Administrator decides that secrecy is required because of national defense.

(d) CONFLICTS OF INTEREST.—The Secretary, the Under Secretary, the Administrator, or an officer or employee of the Administration may not participate in a proceeding referred to in subsection (a) of this section in which the individual has a pecuniary interest.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1226; Pub. L. 107–71, title I, §140(b)(1), (2), (4)–(6), Nov. 19, 2001, 115 Stat. 641.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46102(a)	49 App.:1481 (1st sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §1001, 72 Stat. 788. Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, §3(e), 98 Stat. 1704. Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
46102(b)	49 App.:1481 (3d, 4th sentences). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46102(c)	49 App.:1481 (last sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46102(d)	49 App.:1481 (2d sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In subsection (a), the cross-reference to chapter 7 of title 5 is omitted as unnecessary.

In subsection (b), the text of 49 App.:1481 (4th sentence words after last comma) is omitted as obsolete. The words “National Transportation Safety Board” were substituted for “Board” in 49 App.:1481 (4th sentence) because 49 App.:1655(d) transferred all functions, duties, and powers of the Civil Aeronautics Board under titles VI and VII of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 775) to the Secretary of Transportation to be carried out through the former National Transportation Safety Board in the Department of Transportation. Title VI includes sections 602 and 609 [49 App.:1422, 1429], that provide for appeals to the Civil Aeronautics Board (subsequently transferred to the National Transportation Safety Board), and section 611(e) [49 App.:1431(e)], that provides for appeals to the National Transportation Safety Board. Under 49 App.:1902(a), the National Transportation Safety Board in the Department of Transportation was replaced by an independent National Transportation Safety Board outside the Department, and 49 App.:1903(a)(9)(A) gave the independent Board the authority to review appeals from actions of the Secretary under 49 App.:1422, 1429, and 1431(e).

In subsection (c), the words “vote and” are omitted as surplus.

In subsection (d), the words “officer or employee of the Administration” are substituted for “member” for clarity and consistency in the revised title and with other titles of the United States Code. The words

“hearing or” are omitted as surplus. The words “referred to in subsection (a) of this section” are added for clarity.

AMENDMENTS

2001—Subsec. (a). Pub. L. 107–71, §140(b)(1), inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or” after “(or”.

Subsec. (b). Pub. L. 107–71, §140(b)(4), substituted “, the Under Secretary, and the Administrator” for “and the Administrator”.

Subsec. (c). Pub. L. 107–71, §140(b)(2), (5), substituted “, Under Secretary, and Administrator” for “and Administrator” in two places and “, Under Secretary, or Administrator” for “or Administrator”.

Subsec. (d). Pub. L. 107–71, §140(b)(6), inserted “the Under Secretary,” after “Secretary,”.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46103. Service of notice, process, and actions

(a) DESIGNATING AGENTS.—(1) Each air carrier and foreign air carrier shall designate an agent on whom service of notice and process in a proceeding before, and an action of, the Secretary of Transportation (or the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) may be made.

(2) The designation—

(A) shall be in writing and filed with the Secretary, Under Secretary, or Administrator; and

(B) may be changed in the same way as originally made.

(b) SERVICE.—(1) Service may be made—

(A) by personal service;

(B) on a designated agent; or

(C) by certified or registered mail to the person to be served or the designated agent of the person.

(2) The date of service made by certified or registered mail is the date of mailing.

(c) SERVING AGENTS.—Service on an agent designated under this section shall be made at the office or usual place of residence of the agent. If an air carrier or foreign air carrier does not have a designated agent, service may be made by posting the notice, process, or action in the office of the Secretary, Under Secretary, or Administrator.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1227; Pub. L. 107–71, title I, §140(b)(1), (2), Nov. 19, 2001, 115 Stat. 641.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46103(a)	49 App.:1485(b) (1st sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §1005(b), 72 Stat. 794.. Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, §3(e), 98 Stat. 1704. Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
46103(b)	49 App.:1485(c).	Aug. 23, 1958, Pub. L. 85–726, §1005(c), 72 Stat. 794; re-stated Aug. 25, 1959, Pub. L. 86–199, 73 Stat. 427.
46103(c)	49 App.:1485(b) (last sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In subsection (a)(1), the words “in a proceeding before” are added for clarity. The word “action” is substituted for “orders, decisions, and requirements” to eliminate unnecessary words. The words “for and on behalf of said carrier” are omitted as surplus.

In subsection (a)(2)(B), the words “from time to time” are omitted as surplus.

In subsection (b)(1)(B), the words “in writing for the purpose” are omitted as surplus.

In subsection (b)(1)(C), the word “addressed” is omitted as surplus.

In subsection (b)(2), the word “date” is substituted for “time” for clarity and consistency.

In subsection (c), the words “with like effect as if made personally upon such carrier” are omitted as surplus.

AMENDMENTS

2001—Subsec. (a)(1). Pub. L. 107–71, §140(b)(1), inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or” after “(or”.

Subsec. (a)(2)(A). Pub. L. 107–71, §140(b)(2), substituted “, Under Secretary, or Administrator” for “or Administrator”.

Subsec. (c). Pub. L. 107–71, §140(b)(2), substituted “, Under Secretary, or Administrator” for “or Administrator”.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46104. Evidence

(a) GENERAL.—In conducting a hearing or investigation under this part, the Secretary of Transportation (or the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) may—

(1) subpoena witnesses and records related to a matter involved in the hearing or investigation from any place in the United States to the designated place of the hearing or investigation;

- (2) administer oaths;
- (3) examine witnesses; and
- (4) receive evidence at a place in the United States the Secretary, Under Secretary, or Administrator designates.

(b) COMPLIANCE WITH SUBPENAS.—If a person disobeys a subpoena, the Secretary, the Under Secretary, the Administrator, or a party to a proceeding before the Secretary, Under Secretary, or Administrator may petition a court of the United States to enforce the subpoena. A judicial proceeding to enforce a subpoena under this section may be brought in the jurisdiction in which the proceeding or investigation is conducted. The court may punish a failure to obey an order of the court to comply with the subpoena as a contempt of court.

(c) DEPOSITIONS.—(1) In a proceeding or investigation, the Secretary, Under Secretary, or Administrator may order a person to give testimony by deposition and to produce records. If a person fails to be deposed or to produce records, the order may be enforced in the same way a subpoena may be enforced under subsection (b) of this section.

(2) A deposition may be taken before an individual designated by the Secretary, Under Secretary, or Administrator and having the power to administer oaths.

(3) Before taking a deposition, the party or the attorney of the party proposing to take the deposition must give reasonable notice in writing to the opposing party or the attorney of record of that party. The notice shall state the name of the witness and the time and place of taking the deposition.

(4) The testimony of a person deposed under this subsection shall be under oath. The person taking the deposition shall prepare, or cause to be prepared, a transcript of the testimony taken. The transcript shall be subscribed by the deponent. Each deposition shall be filed promptly with the Secretary, Under Secretary, or Administrator.

(5) If the laws of a foreign country allow, the testimony of a witness in that country may be taken by deposition—

(A) by a consular officer or an individual commissioned by the Secretary, Under Secretary, or Administrator or agreed on by the parties by written stipulation filed with the Secretary, Under Secretary, or Administrator; or

(B) under letters rogatory issued by a court of competent jurisdiction at the request of the Secretary, Under Secretary, or Administrator.

(d) WITNESS FEES AND MILEAGE AND CERTAIN FOREIGN COUNTRY EXPENSES.—A witness summoned before the Secretary, Under Secretary, or Administrator or whose deposition is taken under this section and the individual taking the deposition are each entitled to the same fee and mileage that the witness and individual would have been paid for those services in a court of the United States. Under regulations of the Secretary, Under Secretary, or Administrator, the Secretary, Under Secretary, or Administrator shall pay the necessary expenses incident to executing, in another country, a commission or letter rogatory issued at the initiative of the Secretary, Under Secretary, or Administrator.

(e) DESIGNATING EMPLOYEES TO CONDUCT HEARINGS.—When designated by the Secretary, Under Secretary, or Administrator, an employee appointed under section 3105 of title 5 may conduct a hearing, subpoena witnesses, administer oaths, examine witnesses, and receive evidence at a place in the United States the Secretary, Under Secretary, or Administrator designates. On request of a party, the Secretary, Under Secretary, or Administrator shall hear or receive argument.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1227; Pub. L. 107–71, title I, § 140(b)(1), (2), (6), Nov. 19, 2001, 115 Stat. 641.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46104(a)	49 App.:1354(c) (related to this chapter). 49 App.:1484(a) (related to member of the Board), (b) (1st sentence), (c) (1st sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §§ 313(c) (related to this Act), 1004(a)–(h), 72 Stat. 753, 792. Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, § 3(e), 98 Stat. 1704. Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.
46104(b)	49 App.:1354(c) (related to this chapter). 49 App.:1484(c) (last sentence), (d). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46104(c)(1) ..	49 App.:1354(c) (related to this chapter). 49 App.:1484(e) (1st, last sentences). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46104(c)(2) ..	49 App.:1354(c) (related to this chapter). 49 App.:1484(e) (2d sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46104(c)(3) ..	49 App.:1354(c) (related to this chapter). 49 App.:1484(e) (3d sentence). 49 App.:1655(c)(1).	
46104(c)(4) ..	49 App.:1354(c) (related to this chapter). 49 App.:1484(f). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46104(c)(5) ..	49 App.:1354(c) (related to this chapter). 49 App.:1484(g). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46104(d)	49 App.:1354(c) (related to this chapter). 49 App.:1484(b) (last sentence), (h). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46104(e)	49 App.:1354(c) (related to this chapter). 49 App.:1484(a) (related to examiner). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In this section, the word “Administrator” in section 313(c) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 753) is retained on authority of 49:106(g).

Subsection (a)(1) is substituted for “sign and issue subpoenas”, “shall have the power to require by subpoena

the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation”, and “The attendance of witnesses, and the production of books, papers, and documents, may be required from any place in the United States, at any designated place of hearing” in 49 App.:1484 for clarity and consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words.

In subsection (b), the words “petition a court of the United States to enforce the subpoena” are substituted for “invoke the aid of any court of the United States in requiring attendance and testimony of witnesses and the production of such books, papers, and documents under the provisions of this section” in 49 App.:1484(c) to eliminate unnecessary words. The words “to enforce a subpoena under this section” are substituted for “in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear before the Board (and produce books, papers, or documents if so ordered) and give evidence touching the matter in question” in 49 App.:1484(d) to eliminate unnecessary words.

In subsection (c)(1), the words “pending before it, at any stage of such proceeding or investigation” in 49 App.:1484(e) are omitted as surplus. The words “a person to give” are substituted for “to be taken”, and the words “to produce records” are added, for clarity and consistency. The last sentence is substituted for 49 App.:1484(e) (last sentence) for clarity and consistency and to eliminate unnecessary words.

In subsection (c)(4), the words “shall be cautioned . . . to testify the whole truth, and shall be carefully examined” in 49 App.:1484(f) are omitted as surplus. The words “shall be under oath” are substituted for “shall be required to swear (or affirm, if he so requests)” for consistency and because of 1:1.

In subsection (d), the words “that the witness and individual would have been” are added for clarity and consistency in the revised title and with other titles of the Code. The words “fees, charges, or” and “on the subject” are omitted as surplus.

In subsection (e), the words “duly . . . for such purpose” are omitted as surplus. The words “employee appointed under section 3105 of title 5” are substituted for “examiner”, and the words “subpoena witnesses” are substituted for “sign and issue subpoenas”, for consistency in the revised title and with other titles of the Code. The words “In all cases heard by an examiner or a single member” are omitted as surplus.

AMENDMENTS

2001—Subsec. (a). Pub. L. 107-71, §140(b)(1), in introductory provisions inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or” after “(or)”.

Subsec. (a)(4). Pub. L. 107-71, §140(b)(2), substituted “, Under Secretary, or Administrator” for “or Administrator”.

Subsec. (b). Pub. L. 107-71, §140(b)(2), (6), inserted “the Under Secretary,” after “Secretary,” and substituted “, Under Secretary, or Administrator” for “or Administrator”.

Subsecs. (c) to (e). Pub. L. 107-71, §140(b)(2), substituted “, Under Secretary, or Administrator” for “or Administrator” wherever appearing.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46105. Regulations and orders

(a) EFFECTIVENESS OF ORDERS.—Except as provided in this part, a regulation prescribed or order issued by the Secretary of Transportation (or the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) takes effect within a reasonable time prescribed by the Secretary, Under Secretary, or Administrator. The regulation or order remains in effect under its own terms or until superseded. Except as provided in this part, the Secretary, Under Secretary, or Administrator may amend, modify, or suspend an order in the way, and by giving the notice, the Secretary, Under Secretary, or Administrator decides.

(b) CONTENTS AND SERVICE OF ORDERS.—An order of the Secretary, Under Secretary, or Administrator shall include the findings of fact on which the order is based and shall be served on the parties to the proceeding and the persons affected by the order.

(c) EMERGENCIES.—When the Administrator is of the opinion that an emergency exists related to safety in air commerce and requires immediate action, the Administrator, on the initiative of the Administrator or on complaint, may prescribe regulations and issue orders immediately to meet the emergency, with or without notice and without regard to this part and subchapter II of chapter 5 of title 5. The Administrator shall begin a proceeding immediately about an emergency under this subsection and give preference, when practicable, to the proceeding.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1228; Pub. L. 107-71, title I, §140(b)(1), (2), Nov. 19, 2001, 115 Stat. 641.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46105(a)	49 App.:1485(a) (words before 1st proviso), (d), (e). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §1005(a), (d)-(f), 72 Stat. 794. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.
46105(b)	49 App.:1485(f). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46105(c)	49 App.:1485(a) (provisos). 49 App.:1655(c)(1).	

In subsection (a), the words “under its own terms or until superseded” are substituted for “until their further order, rule, or regulation, or for a specified period of time, as shall be prescribed in the order, rule, or regulation” for clarity and to eliminate unnecessary words. The word “amend” is added for consistency in the revised title. The text of 49 App.:1485(e) is omitted as surplus.

In subsection (c), the words “without complaint” and “if he so orders” are omitted as surplus. The words “prescribe . . . issue” are substituted for “make” for consistency in the revised title and with other titles of the United States Code. The words “just and reason-

able” and “as may be essential in the interest of safety in air commerce” are omitted as surplus. The words “without regard to this part and subchapter II of chapter 5 of title 5” are substituted for “without answer or other form of pleading by the interested person or persons, and . . . hearing, or the making or filing of a report” to eliminate unnecessary words. The words “over all others under this chapter” are omitted as surplus.

AMENDMENTS

2001—Subsec. (a). Pub. L. 107-71, §140(b)(1), (2), inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or” after “(or)” and substituted “, Under Secretary, or Administrator” for “or Administrator” wherever appearing.

Subsec. (b). Pub. L. 107-71, §140(b)(2), substituted “, Under Secretary, or Administrator” for “or Administrator”.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46106. Enforcement by the Department of Transportation

The Secretary of Transportation (or the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) may bring a civil action against a person in a district court of the United States to enforce this part or a requirement or regulation prescribed, or an order or any term of a certificate or permit issued, under this part. The action may be brought in the judicial district in which the person does business or the violation occurred.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1229; Pub. L. 107-71, title I, §140(b)(1), (7), Nov. 19, 2001, 115 Stat. 641.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46106	49 App.:1487(a) (related to Secretary and CAB).	Aug. 23, 1958, Pub. L. 85-726, §1007(a) (related to Administrator and CAB), 72 Stat. 796.
	49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(c), 98 Stat. 1704.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.

The words “their duly authorized agents” are omitted as surplus. The words “may bring a civil action” are substituted for “may apply” for consistency in the revised title and with other titles of the United States Code and rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The word “prescribed” is added for consistency in the revised title and with other titles of

the Code. The words “condition, or limitation” are omitted as being included in “term”. The text of 49 App.:1487(a) (words after semicolon related to Secretary and CAB) is omitted as surplus because of 28:1651 and rule 81(b) of the Federal Rules of Civil Procedure (28 App. U.S.C.).

AMENDMENTS

2001—Pub. L. 107-71, §140(b)(7), substituted “Department of Transportation” for “Secretary of Transportation and Administrator of the Federal Aviation Administration” in section catchline.

Pub. L. 107-71, §140(b)(1), inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or” after “(or)”.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46107. Enforcement by the Attorney General

(a) CIVIL ACTIONS TO ENFORCE SECTION 40106(b).—The Attorney General may bring a civil action in a district court of the United States against a person to enforce section 40106(b) of this title. The action may be brought in the judicial district in which the person does business or the violation occurred.

(b) CIVIL ACTIONS TO ENFORCE THIS PART.—(1) On request of the Secretary of Transportation (or the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator), the Attorney General may bring a civil action in an appropriate court—

(A) to enforce this part or a requirement or regulation prescribed, or an order or any term of a certificate or permit issued, under this part; and

(B) to prosecute a person violating this part or a requirement or regulation prescribed, or an order or any term of a certificate or permit issued, under this part.

(2) The costs and expenses of a civil action shall be paid out of the appropriations for the expenses of the courts of the United States.

(c) PARTICIPATION OF SECRETARY, UNDER SECRETARY, OR ADMINISTRATOR.—On request of the Attorney General, the Secretary, Under Secretary, or Administrator, as appropriate, may participate in a civil action under this part.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1229; Pub. L. 107-71, title I, §140(b)(1), (2), Nov. 19, 2001, 115 Stat. 641.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46107(a)	49 App.:1487(a) (related to Attorney General).	Aug. 23, 1958, Pub. L. 85-726, §1007(a) (related to Attorney General), 72 Stat. 796; Aug. 5, 1974, Pub. L. 93-366, §108, 88 Stat. 414.
46107(b)	49 App.:1487(b) (related to Secretary and CAB).	Aug. 23, 1958, Pub. L. 85-726, §§1007(b) (related to Administrator and CAB), 1008 (related to Administrator and CAB), 72 Stat. 796.
	49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.
46107(c)	49 App.:1488 (related to Secretary and CAB).	
	49 App.:1551(b)(1)(E).	
	49 App.:1655(c)(1).	

In subsection (a), the words “may bring a civil action” are substituted for “may apply” for consistency in the revised title and with other titles of the United States Code and rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The text of 49 App.:1487(a) (words after semicolon related to Attorney General) is omitted as surplus because of 28:1651 and rule 81(b) of the Federal Rules of Civil Procedure.

In subsection (b)(1), before clause (A), the words “Attorney General” are substituted for “any district attorney of the United States to whom the Board or Secretary of Transportation may apply”, and the words “under the direction of the Attorney General” are omitted, because of 28:503 and 509. The words “bring a civil action” are substituted for “institute . . . and to prosecute . . . all necessary proceedings” for consistency in the revised title and with other titles of the Code and rule 2 of the Federal Rules of Civil Procedure. In clauses (A) and (B), the words “prescribed” and “issued” are added for consistency in the revised title and with other titles of the Code. The words “condition, or limitation” are omitted as being included in “term”.

In subsection (b)(2), the words “civil action” are substituted for “prosecutions” for consistency in the revised title and with other titles of the Code.

In subsection (c), the words “civil action” are substituted for “proceeding in court” for consistency in the revised title and with other titles of the Code and rule 2 of the Federal Rules of Civil Procedure.

AMENDMENTS

2001—Subsec. (b)(1). Pub. L. 107-71, §140(b)(1), in introductory provisions, inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or” after “(or”.

Subsec. (c). Pub. L. 107-71, §140(b)(2), substituted “, Under Secretary, or Administrator” for “or Administrator” in heading and text.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46108. Enforcement of certificate requirements by interested persons

An interested person may bring a civil action in a district court of the United States against

a person to enforce section 41101(a)(1) of this title. The action may be brought in the judicial district in which the defendant does business or the violation occurred.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1229.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46108	49 App.:1487(a) (related to party in interest).	Aug. 23, 1958, Pub. L. 85-726, §1007(a) (related to party in interest), 72 Stat. 796.

The words “interested person” are substituted for “party in interest” for consistency. The words “may bring a civil action” are substituted for “may apply” for consistency in the revised title and with other titles of the United States Code and rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The text of 49 App.:1487(a) (words after semicolon related to party in interest) is omitted as surplus because of 28:1651 and rule 81(b) of the Federal Rules of Civil Procedure.

§ 46109. Joinder and intervention

A person interested in or affected by a matter under consideration in a proceeding before the Secretary of Transportation or civil action to enforce this part or a requirement or regulation prescribed, or an order or any term of a certificate or permit issued, under this part may be joined as a party or permitted to intervene in the proceeding or civil action.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1230.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46109	49 App.:1489.	Aug. 23, 1958, Pub. L. 85-726, §1009, 72 Stat. 796.
	49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704.

The words “proceeding . . . or civil action” are substituted for “proceeding . . . whether such proceedings be instituted . . . or be begun originally in any court of the United States” for consistency in the revised title and with other titles of the United States Code and rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “prescribed . . . issued” are added for consistency in the revised title and with other titles of the Code. The words “condition, or limitation” are omitted as being included in “term”. The words “may be joined as a party or permitted to intervene” are substituted for “it shall be lawful to include as parties, or to permit the intervention of” for clarity. The text of 49 App.:1489 (words after semicolon) is omitted as surplus.

§ 46110. Judicial review

(a) FILING AND VENUE.—Except for an order related to a foreign air carrier subject to disapproval by the President under section 41307 or 41509(f) of this title, a person disclosing a substantial interest in an order issued by the Secretary of Transportation (or the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator of the Federal Aviation Administration with respect to aviation duties and pow-

ers designated to be carried out by the Administrator) in whole or in part under this part, part B, or subsection (l) or (s) of section 114 may apply for review of the order by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 60 days after the order is issued. The court may allow the petition to be filed after the 60th day only if there are reasonable grounds for not filing by the 60th day.

(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a) of this section, the clerk of the court immediately shall send a copy of the petition to the Secretary, Under Secretary, or Administrator, as appropriate. The Secretary, Under Secretary, or Administrator shall file with the court a record of any proceeding in which the order was issued, as provided in section 2112 of title 28.

(c) AUTHORITY OF COURT.—When the petition is sent to the Secretary, Under Secretary, or Administrator, the court has exclusive jurisdiction to affirm, amend, modify, or set aside any part of the order and may order the Secretary, Under Secretary, or Administrator to conduct further proceedings. After reasonable notice to the Secretary, Under Secretary, or Administrator, the court may grant interim relief by staying the order or taking other appropriate action when good cause for its action exists. Findings of fact by the Secretary, Under Secretary, or Administrator, if supported by substantial evidence, are conclusive.

(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing an order under this section, the court may consider an objection to an order of the Secretary, Under Secretary, or Administrator only if the objection was made in the proceeding conducted by the Secretary, Under Secretary, or Administrator or if there was a reasonable ground for not making the objection in the proceeding.

(e) SUPREME COURT REVIEW.—A decision by a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1230; Pub. L. 107–71, title I, §140(b)(1), (2), Nov. 19, 2001, 115 Stat. 641; Pub. L. 108–176, title II, §228, Dec. 12, 2003, 117 Stat. 2532.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46110(a)	49 App.:1486(a), (b) (as 1486(a), (b) relates to Secretary and CAB). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §1006(a), (b), (e), (f) (as §1006(a), (b), (e), (f) relates to Administrator and CAB), 72 Stat. 795. Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, §3(e), 98 Stat. 1704. Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
46110(b)	49 App.:1486(c) (related to Secretary and CAB).	Aug. 23, 1958, Pub. L. 85–726, §1006(c) (related to Administrator and CAB), 72 Stat. 795; restated June 29, 1960, Pub. L. 86–546, §1, 74 Stat. 255.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46110(c)	49 App.:1551(b)(1)(E). 49 App.:1655(c)(1). 49 App.:1486(d) (related to Secretary and CAB).	Aug. 23, 1958, Pub. L. 85–726, §1006(d) (related to Administrator and CAB), 72 Stat. 795; restated Sept. 13, 1961, Pub. L. 87–225, §2, 75 Stat. 497.
46110(d)	49 App.:1486(e) (1st sentence related to Secretary and CAB). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1). 49 App.:1486(e) (last sentence) (related to Secretary and CAB).	
46110(e)	49 App.:1551(b)(1)(E). 49 App.:1655(c)(1). 49 App.:1486(f) (related to Secretary and CAB). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In subsections (a)–(d), the word “Administrator” in section 1006 of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 795) is retained on authority of 49:106(g).

In subsection (a), the words “affirmative or negative” are omitted as surplus. The words “is issued” are substituted for “the entry of” for consistency in the revised title and with other titles of the United States Code.

In subsection (b), the words “if any” are omitted as surplus. The words “of any proceeding” are added for clarity. The words “complained of” are omitted as surplus.

In subsection (c), the word “amend” is added for consistency in the revised title. The word “interim” is substituted for “interlocutory” for clarity. The words “taking other appropriate action” are substituted for “by such mandatory or other relief as may be appropriate” for clarity and to eliminate unnecessary words.

In subsection (d), the words “made in the proceeding conducted by” are substituted for “urged before” for clarity.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–176, in first sentence, struck out “safety” before “duties and powers designated to be carried out by the Administrator”) and substituted “in whole or in part under this part, part B, or subsection (l) or (s) of section 114” for “under this part”.

2001—Subsec. (a). Pub. L. 107–71, §140(b)(1), inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or” after “(or”.

Subsecs. (b) to (d). Pub. L. 107–71, §140(b)(2), substituted “, Under Secretary, or Administrator” for “or Administrator” wherever appearing.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as a note under section 106 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security

Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46111. Certificate actions in response to a security threat

(a) **ORDERS.**—The Administrator of Federal Aviation Administration shall issue an order amending, modifying, suspending, or revoking any part of a certificate issued under this title if the Administrator is notified by the Under Secretary for Border and Transportation Security of the Department of Homeland Security that the holder of the certificate poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety. If requested by the Under Secretary, the order shall be effective immediately.

(b) **HEARINGS FOR CITIZENS.**—An individual who is a citizen of the United States who is adversely affected by an order of the Administrator under subsection (a) is entitled to a hearing on the record.

(c) **HEARINGS.**—When conducting a hearing under this section, the administrative law judge shall not be bound by findings of fact or interpretations of laws and regulations of the Administrator or the Under Secretary.

(d) **APPEALS.**—An appeal from a decision of an administrative law judge as the result of a hearing under subsection (b) shall be made to the Transportation Security Oversight Board established by section 115. The Board shall establish a panel to review the decision. The members of this panel (1) shall not be employees of the Transportation Security Administration, (2) shall have the level of security clearance needed to review the determination made under this section, and (3) shall be given access to all relevant documents that support that determination. The panel may affirm, modify, or reverse the decision.

(e) **REVIEW.**—A person substantially affected by an action of a panel under subsection (d), or the Under Secretary when the Under Secretary decides that the action of the panel under this section will have a significant adverse impact on carrying out this part, may obtain review of the order under section 46110. The Under Secretary and the Administrator shall be made a party to the review proceedings. Findings of fact of the panel are conclusive if supported by substantial evidence.

(f) **EXPLANATION OF DECISIONS.**—An individual who commences an appeal under this section shall receive a written explanation of the basis for the determination or decision and all relevant documents that support that determination to the maximum extent that the national security interests of the United States and other applicable laws permit.

(g) **CLASSIFIED EVIDENCE.**—

(1) **IN GENERAL.**—The Under Secretary, in consultation with the Administrator and the Director of Central Intelligence, shall issue regulations to establish procedures by which the Under Secretary, as part of a hearing conducted under this section, may provide an unclassified summary of classified evidence upon which the order of the Administrator was based to the individual adversely affected by the order.

(2) **REVIEW OF CLASSIFIED EVIDENCE BY ADMINISTRATIVE LAW JUDGE.**—

(A) **REVIEW.**—As part of a hearing conducted under this section, if the order of the Administrator issued under subsection (a) is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)),¹ such information may be submitted by the Under Secretary to the reviewing administrative law judge, pursuant to appropriate security procedures, and shall be reviewed by the administrative law judge ex parte and in camera.

(B) **SECURITY CLEARANCES.**—Pursuant to existing procedures and requirements, the Under Secretary shall, in coordination, as necessary, with the heads of other affected departments or agencies, ensure that administrative law judges reviewing orders of the Administrator under this section possess security clearances appropriate for their work under this section.

(3) **UNCLASSIFIED SUMMARIES OF CLASSIFIED EVIDENCE.**—As part of a hearing conducted under this section and upon the request of the individual adversely affected by an order of the Administrator under subsection (a), the Under Secretary shall provide to the individual and reviewing administrative law judge, consistent with the procedures established under paragraph (1), an unclassified summary of any classified information upon which the order of the Administrator is based.

(Added Pub. L. 108-176, title VI, § 601(a), Dec. 12, 2003, 117 Stat. 2561.)

REFERENCES IN TEXT

Section 1(a) of the Classified Information Procedures Act, referred to in subsec. (g)(2)(A), is section 1(a) of Pub. L. 96-456, which is set out in the Appendix to Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

CHAPTER 463—PENALTIES

Sec.	
46301.	Civil penalties.
46302.	False information.
46303.	Carrying a weapon.
46304.	Liens on aircraft.
46305.	Actions to recover civil penalties.
46306.	Registration violations involving aircraft not providing air transportation.
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46308.	Interference with air navigation.
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46315.	Lighting violations involving transporting controlled substances by aircraft not providing air transportation.
46316.	General criminal penalty when specific penalty not provided.

¹ So in original. Probably should be “App.”).

Sec.	
46317.	Criminal penalty for pilots operating in air transportation without an airman's certificate.
46318.	Interference with cabin or flight crew.
46319.	Permanent closure of an airport without providing sufficient notice.

AMENDMENTS

2003—Pub. L. 108-176, title I, §185(b), Dec. 12, 2003, 117 Stat. 2518, added item 46319.

2000—Pub. L. 106-181, title V, §§ 509(b), 511(b), Apr. 5, 2000, 114 Stat. 141, 142, added items 46317 and 46318.

§ 46301. Civil penalties

(a) GENERAL PENALTY.—(1) A person is liable to the United States Government for a civil penalty of not more than \$25,000 (or \$1,100 if the person is an individual or small business concern) for violating—

(A) chapter 401 (except sections 40103(a) and (d), 40105, 40116, and 40117), chapter 411, chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714), chapter 419, subchapter II or III of chapter 421, chapter 441 (except section 44109), section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), and 44908), section 47107(b) (including any assurance made under such section), or section 47133 of this title;

(B) a regulation prescribed or order issued under any provision to which clause (A) of this paragraph applies;

(C) any term of a certificate or permit issued under section 41102, 41103, or 41302 of this title; or

(D) a regulation of the United States Postal Service under this part.

(2) A separate violation occurs under this subsection for each day the violation (other than a violation of section 41719) continues or, if applicable, for each flight involving the violation (other than a violation of section 41719).

(3) PENALTY FOR DIVERSION OF AVIATION REVENUES.—The amount of a civil penalty assessed under this section for a violation of section 47107(b) of this title (or any assurance made under such section) or section 47133 of this title may be increased above the otherwise applicable maximum amount under this section to an amount not to exceed 3 times the amount of revenues that are used in violation of such section.

(4) AVIATION SECURITY VIOLATIONS.—Notwithstanding paragraph (1) of this subsection, the maximum civil penalty for violating chapter 449 shall be \$10,000; except that the maximum civil penalty shall be \$25,000 in the case of a person operating an aircraft for the transportation of passengers or property for compensation (except an individual serving as an airman).

(5) PENALTIES APPLICABLE TO INDIVIDUALS AND SMALL BUSINESS CONCERNS.—

(A) An individual (except an airman serving as an airman) or small business concern is liable to the Government for a civil penalty of not more than \$10,000 for violating—

(i) chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117), section

44502 (b) or (c), chapter 447 (except sections 44717–44723), or chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909) of this title; or

(ii) a regulation prescribed or order issued under any provision to which clause (i) applies.

(B) A civil penalty of not more than \$10,000 may be imposed for each violation under paragraph (1) committed by an individual or small business concern related to—

(i) the transportation of hazardous material;

(ii) the registration or recordation under chapter 441 of an aircraft not used to provide air transportation;

(iii) a violation of section 44718(d), relating to the limitation on construction or establishment of landfills;

(iv) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts; or

(v) a violation of section 40127 or section 41705, relating to discrimination.

(C) Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 41719 committed by an individual or small business concern shall be \$5,000 instead of \$1,000.

(D) Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 41712 (including a regulation prescribed or order issued under such section) or any other regulation prescribed by the Secretary by an individual or small business concern that is intended to afford consumer protection to commercial air transportation passengers shall be \$2,500 for each violation.

(6) FAILURE TO¹ COLLECT¹ AIRPORT¹ SECURITY¹ BADGES¹.—Notwithstanding paragraph (1), any employer (other than a governmental entity or airport operator) who employs an employee to whom an airport security badge or other identifier used to obtain access to a secure area of an airport is issued before, on, or after the date of enactment of this paragraph and who does not collect or make reasonable efforts to collect such badge from the employee on the date that the employment of the employee is terminated and does not notify the operator of the airport of such termination within 24 hours of the date of such termination shall be liable to the Government for a civil penalty not to exceed \$10,000.

(b) SMOKE ALARM DEVICE PENALTY.—(1) A passenger may not tamper with, disable, or destroy a smoke alarm device located in a lavatory on an aircraft providing air transportation or intrastate air transportation.

(2) An individual violating this subsection is liable to the Government for a civil penalty of not more than \$2,000.

(c) PROCEDURAL REQUIREMENTS.—(1) The Secretary of Transportation may impose a civil penalty for the following violations only after notice and an opportunity for a hearing:

(A) a violation of subsection (b) of this section or chapter 411, chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (except

¹ So in original. Probably should not be capitalized.

sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714), chapter 419, subchapter II of chapter 421, or section 44909 of this title.

(B) a violation of a regulation prescribed or order issued under any provision to which clause (A) of this paragraph applies.

(C) a violation of any term of a certificate or permit issued under section 41102, 41103, or 41302 of this title.

(D) a violation under subsection (a)(1) of this section related to the transportation of hazardous material.

(2) The Secretary shall give written notice of the finding of a violation and the civil penalty under paragraph (1) of this subsection.

(d) ADMINISTRATIVE IMPOSITION OF PENALTIES.—(1) In this subsection—

(A) “flight engineer” means an individual who holds a flight engineer certificate issued under part 63 of title 14, Code of Federal Regulations.

(B) “mechanic” means an individual who holds a mechanic certificate issued under part 65 of title 14, Code of Federal Regulations.

(C) “pilot” means an individual who holds a pilot certificate issued under part 61 of title 14, Code of Federal Regulations.

(D) “repairman” means an individual who holds a repairman certificate issued under part 65 of title 14, Code of Federal Regulations.

(2) The Administrator of the Federal Aviation Administration may impose a civil penalty for a violation of chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117), chapter 441 (except section 44109), section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723) or section 46301(b), 46302 (for a violation relating to section 46504), 46318, or 47107(b) (as further defined by the Secretary under section 47107(l) and including any assurance made under section 47107(b)) of this title or a regulation prescribed or order issued under any of those provisions. The Secretary of Homeland Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909), 46302² (except for a violation relating to section 46504), 46303,² or a regulation prescribed or order issued under such chapter 449. The Secretary of Homeland Security or Administrator shall give written notice of the finding of a violation and the penalty.

(3) In a civil action to collect a civil penalty imposed by the Secretary of Homeland Security or Administrator under this subsection, the issues of liability and the amount of the penalty may not be reexamined.

(4) Notwithstanding paragraph (2) of this subsection, the district courts of the United States have exclusive jurisdiction of a civil action involving a penalty the Secretary of Homeland Security or Administrator initiates if—

(A) the amount in controversy is more than—

(i) \$50,000 if the violation was committed by any person before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act;

(ii) \$400,000 if the violation was committed by a person other than an individual or small business concern on or after that date; or

(iii) \$50,000 if the violation was committed by an individual or small business concern on or after that date;

(B) the action is in rem or another action in rem based on the same violation has been brought;

(C) the action involves an aircraft subject to a lien that has been seized by the Government; or

(D) another action has been brought for an injunction based on the same violation.

(5)(A) The Administrator may issue an order imposing a penalty under this subsection against an individual acting as a pilot, flight engineer, mechanic, or repairman only after advising the individual of the charges or any reason the Administrator relied on for the proposed penalty and providing the individual an opportunity to answer the charges and be heard about why the order shall not be issued.

(B) An individual acting as a pilot, flight engineer, mechanic, or repairman may appeal an order imposing a penalty under this subsection to the National Transportation Safety Board. After notice and an opportunity for a hearing on the record, the Board shall affirm, modify, or reverse the order. The Board may modify a civil penalty imposed to a suspension or revocation of a certificate.

(C) When conducting a hearing under this paragraph, the Board is not bound by findings of fact of the Administrator but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law.

(D) When an individual files an appeal with the Board under this paragraph, the order of the Administrator is stayed.

(6) An individual substantially affected by an order of the Board under paragraph (5) of this subsection, or the Administrator when the Administrator decides that an order of the Board under paragraph (5) will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. Findings of fact of the Board are conclusive if supported by substantial evidence.

(7)(A) The Administrator may impose a penalty on a person (except an individual acting as a pilot, flight engineer, mechanic, or repairman) only after notice and an opportunity for a hearing on the record.

(B) In an appeal from a decision of an administrative law judge as the result of a hearing under subparagraph (A) of this paragraph, the Administrator shall consider only whether—

(i) each finding of fact is supported by a preponderance of reliable, probative, and substantial evidence;

(ii) each conclusion of law is made according to applicable law, precedent, and public policy; and

² So in original. Probably should be preceded by “section”.

(iii) the judge committed a prejudicial error that supports the appeal.

(C) Except for good cause, a civil action involving a penalty under this paragraph may not be initiated later than 2 years after the violation occurs.

(D) In the case of a violation of section 47107(b) of this title or any assurance made under such section—

(i) a civil penalty shall not be assessed against an individual;

(ii) a civil penalty may be compromised as provided under subsection (f); and

(iii) judicial review of any order assessing a civil penalty may be obtained only pursuant to section 46110 of this title.

(8) The maximum civil penalty the Under Secretary, Administrator, or Board may impose under this subsection is—

(A) \$50,000 if the violation was committed by any person before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act;

(B) \$400,000 if the violation was committed by a person other than an individual or small business concern on or after that date; or

(C) \$50,000 if the violation was committed by an individual or small business concern on or after that date.

(9) This subsection applies only to a violation occurring after August 25, 1992.

(e) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under subsection (a)(3) of this section related to transportation of hazardous material, the Secretary shall consider—

(1) the nature, circumstances, extent, and gravity of the violation;

(2) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue doing business; and

(3) other matters that justice requires.

(f) COMPROMISE AND SETOFF.—(1)(A) The Secretary may compromise the amount of a civil penalty imposed for violating—

(i) chapter 401 (except sections 40103(a) and (d), 40105, 40116, and 40117), chapter 441 (except section 44109), section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), or chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909) of this title; or

(ii) a regulation prescribed or order issued under any provision to which clause (i) of this subparagraph applies.

(B) The Postal Service may compromise the amount of a civil penalty imposed under subsection (a)(1)(D) of this section.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

(g) JUDICIAL REVIEW.—An order of the Secretary or the Administrator imposing a civil penalty may be reviewed judicially only under section 46110 of this title.

(h) NONAPPLICATION.—(1) This section does not apply to the following when performing official duties:

(A) a member of the armed forces of the United States.

(B) a civilian employee of the Department of Defense subject to the Uniform Code of Military Justice.

(2) The appropriate military authority is responsible for taking necessary disciplinary action and submitting to the Secretary (or the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator with respect to aviation safety duties and powers designated to be carried out by the Administrator) a timely report on action taken.

(i) SMALL BUSINESS CONCERN DEFINED.—In this section, the term “small business concern” has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1231; Pub. L. 103–305, title I, §112(c), title II, §207(c), Aug. 23, 1994, 108 Stat. 1575, 1588; Pub. L. 103–429, §6(60), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 104–264, title V, §502(c), title VIII, §804(b), title XII, §1220(b), Oct. 9, 1996, 110 Stat. 3263, 3271, 3286; Pub. L. 104–287, §5(77), Oct. 11, 1996, 110 Stat. 3396; Pub. L. 105–102, §3(c)(4), Nov. 20, 1997, 111 Stat. 2215; Pub. L. 106–181, title II, §222, title V, §§503(c), 504(b), 519(c), title VII, §§707(b), 720, Apr. 5, 2000, 114 Stat. 102, 133, 134, 149, 158, 163; Pub. L. 106–424, §15, Nov. 1, 2000, 114 Stat. 1888; Pub. L. 107–71, title I, §140(d)(1)–(4), Nov. 19, 2001, 115 Stat. 642; Pub. L. 107–296, title XVI, §1602, Nov. 25, 2002, 116 Stat. 2312; Pub. L. 108–176, title V, §503(a)–(c), Dec. 12, 2003, 117 Stat. 2557, 2558; Pub. L. 108–458, title IV, §4027(a), Dec. 17, 2004, 118 Stat. 3727; Pub. L. 110–53, title XIII, §1302(b), Aug. 3, 2007, 121 Stat. 392; Pub. L. 110–161, div. E, title V, §542, Dec. 26, 2007, 121 Stat. 2079.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46301(a)	49 App.:1303 (note).	Nov. 18, 1988, Pub. L. 100–690, §7214, 102 Stat. 4434.
	49 App.:1405 (last sentence).	Aug. 23, 1958, Pub. L. 85–726, §505 (last sentence), 72 Stat. 774.
	49 App.:1471(a)(1) (1st, 2d sentences less subchapter VII).	Aug. 23, 1958, Pub. L. 85–726, §901(a)(1) (less title VII), 72 Stat. 783; restated July 10, 1962, Pub. L. 87–528, §12, 76 Stat. 149; Aug. 5, 1974, Pub. L. 93–366, §107, 88 Stat. 414; Jan. 3, 1975, Pub. L. 93–633, §113(b), 88 Stat. 2162; Oct. 24, 1978, Pub. L. 95–504, §35(a), 92 Stat. 1740; Aug. 8, 1985, Pub. L. 99–83, §551(b)(2), 99 Stat. 225; Dec. 30, 1987, Pub. L. 100–223, §204(a)–(c), 101 Stat. 1519; Nov. 18, 1988, Pub. L. 100–690, §7208(a), 102 Stat. 4429.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
46301(b)	49 App.:1374(d)(2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §404(d)(2); added Dec. 22, 1987, Pub. L. 100–202, §328(a), 101 Stat. 1329–383.
46301(c)	49 App.:1471(a)(1) (3d, 5th sentences less subchapter VII).	

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, § 3(e), 98 Stat. 1704.
46301(d)(1) ..	49 App.:1471(a)(3)(H).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 901(a)(3) (less (D)(v) (related to Administrator under title VII)); added Nov. 18, 1988, Pub. L. 100-690, § 7208(b), 102 Stat. 4429; restated Aug. 26, 1992, Pub. L. 102-345, § 2(a), 106 Stat. 923; Oct. 31, 1992, Pub. L. 102-581, § 208, 106 Stat. 4895.
46301(d)(2) ..	49 App.:1303 (note).	Nov. 18, 1988, Pub. L. 100-690, § 7214, 102 Stat. 4434.
46301(d)(3) ..	49 App.:1471(a)(3)(A).	
46301(d)(4) ..	49 App.:1471(a)(3)(B).	
46301(d)(5) ..	49 App.:1471(a)(3)(C).	
46301(d)(6) ..	49 App.:1471(a)(3)(D)(i)-(iv).	
46301(d)(7) ..	49 App.:1471(a)(3)(E).	
46301(d)(8) ..	49 App.:1471(a)(3)(G).	
46301(d)(9) ..	49 App.:1471(a)(3)(F).	
46301(e)	49 App.:1471(a)(1) (4th sentence less subchapter VII).	
46301(f)	49 App.:1471(a)(2) (related to subchapter III, V, VI, or XII, § 1501, 1514, or 1515(e)(2)(B), and Postal Service).	Aug. 23, 1958, Pub. L. 85-726, § 901(a)(2) (related to title III, V, VI, or XII, § 1101, 1114, or 1115(e)(2)(B), and Postmaster General), 72 Stat. 784; July 10, 1962, Pub. L. 87-528, § 12, 76 Stat. 150; restated Oct. 24, 1978, Pub. L. 95-504, § 35(b), 92 Stat. 1740; Dec. 30, 1987, Pub. L. 100-223, § 204(d), 101 Stat. 1519.
46301(g)	49 App.:1551(b)(1)(E). 49 App.:1471(a)(1) (6th sentence less subchapter VII).	
46301(h)	49 App.:1551(b)(1)(E). 49 App.:1471(a)(1) (last sentence less subchapter VII). 49 App.:1551(b)(1)(E).	

In this section, the word “prescribed” is added for consistency in the revised title and with other titles of the United States Code. The words “United States Postal Service” and “Postal Service” are substituted for “Postmaster General” because of section 4(a) of the Postal Reorganization Act (Public Law 91-375, 84 Stat. 773).

In subsections (a)(1)(C) and (c), the words “condition, or limitation” are omitted as surplus.

In subsection (a)(2), before clause (A), the words “occurring after December 30, 1987” are omitted as obsolete.

In subsection (b)(1), the word “providing” is substituted for “engaged in” for consistency in the revised title.

In subsection (b)(2), the words “in accordance with section 1471 of this Appendix” are omitted as surplus.

In subsection (c)(1), before clause (A), the words “or his delegate” are omitted because of 49:322(b). The word “impose” is substituted for “assessed” for consistency. The words “amount of any such” are omitted as surplus.

In subsection (d), the word “impose” is substituted for “assess” for consistency.

In subsection (d)(1), before clause (A), the words “the following definitions apply” are omitted as surplus.

In subsection (d)(2), the text of section 7214 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690, 102 Stat. 4434) is omitted as obsolete. The words “or the delegate of the Administrator” are omitted because of 49:322(b).

In subsection (d)(4)(C), the word “or” is substituted for “and” for clarity.

In subsection (d)(5)(B) and (7)(A), the words “in accordance with section 554 of title 5” are omitted for consistency in the revised title and because 5:554 applies to a hearing on the record unless otherwise stated.

In subsection (d)(5)(B), the words “consistent with this subsection” are omitted as surplus.

In subsection (d)(5)(C), the word “Administrator” is substituted for “Federal Aviation Administration” because of 49:106(b) and (g).

In subsection (d)(7)(B), before clause (i), the words “as the result of a hearing under subparagraph (A) of this paragraph” are added for clarity.

In subsection (e), before clause (1), the words “civil penalty under subsection (a)(3) of this section related to transportation of hazardous material” are substituted for “such penalty” for clarity. In clause (1), the word “committed” is omitted as surplus.

In subsection (f)(2), the word “imposed” is substituted for “when finally determined or fixed by order of the Board” for consistency. The words “agreed upon” are omitted as surplus.

In subsection (g), the word “imposing” is substituted for “assessing” for consistency.

In subsection (h)(2), the words “with respect thereto” are omitted as surplus. The word “Administrator” in section 901(a)(1) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 783) is retained on authority of 49:106(g).

PUB. L. 103-429

This amends 49:46301(a)(1)(A) and (2)(A), (c)(1)(A), (d)(2), and (f)(1)(A)(i) to correct erroneous cross-references.

PUB. L. 104-287, § 5(77)(A) AND (B)

These amend 49:46301(a)(1)(A) and (2)(A) to correct errors in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1231), to include in the cross-reference sections enacted after the cutoff date for the codification of title 49 as enacted by section 1 of the Act (Public Law 103-272, 108 Stat. 745), and to make it easier to include future sections in the cross-reference by restating it in terms of chapters.

PUB. L. 104-287, § 5(77)(C)

This makes a conforming amendment to 49:46301(a)(3).

PUB. L. 104-287, § 5(77)(D)–(F)

These amend 49:46301(c)(1)(A), (d)(2), and (f)(1)(A)(i) to correct errors in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1231), to include in the cross-reference sections enacted after the cutoff date for the codification of title 49 as enacted by section 1 of the Act (Public Law 103-272, 108 Stat. 745), and to make it easier to include future sections in the cross-reference by restating it in terms of chapters.

REFERENCES IN TEXT

The date of enactment of this paragraph, referred to in subsec. (a)(6), is the date of enactment of Pub. L. 110-161, which was approved Dec. 26, 2007.

The date of enactment of the Vision 100—Century of Aviation Reauthorization Act, referred to in subsec. (d)(4)(A), (8), is the date of enactment of Pub. L. 108-176, which was approved Dec. 12, 2003.

AMENDMENTS

2007—Subsec. (a)(4). Pub. L. 110-53 struck out “or another requirement under this title administered by the Under Secretary of Transportation for Security” after “chapter 449”.

Subsec. (a)(6). Pub. L. 110-161 added par. (6).

2004—Subsec. (d)(2). Pub. L. 108-458, § 4027(a)(1)–(3), substituted “46302 (for a violation relating to section 46504),” for “46302, 46303,” “The Secretary of Homeland Security may” for “The Under Secretary of Transpor-

tation for Security may”, “44909), 46302 (except for a violation relating to section 46504), 46303,” for “44909)”, and “The Secretary of Homeland Security or” for “The Under Secretary or”.

Subsec. (d)(3). Pub. L. 108-458, § 4027(a)(3), substituted “Secretary of Homeland Security or” for “Under Secretary or”.

Subsec. (d)(4). Pub. L. 108-458, § 4027(a)(3), substituted “Secretary of Homeland Security or” for “Under Secretary or” in introductory provisions.

Subsec. (d)(4)(A). Pub. L. 108-458, § 4027(a)(4), realigned margins.

2003—Subsec. (a)(1). Pub. L. 108-176, § 503(a)(1), substituted “\$25,000 (or \$1,100 if the person is an individual or small business concern)” for “\$1,000” in introductory provisions.

Subsec. (a)(1)(A). Pub. L. 108-176, § 503(a)(2), (3), struck out “or” before “section 47107(b)” and substituted “section”, or section 47133” for “section”.

Subsec. (a)(2). Pub. L. 108-176, § 503(a)(5), substituted “section 4719” for “section 4715” in two places.

Pub. L. 108-176, § 503(a)(4), redesignated par. (4) as (2) and struck out former par. (2) which read as follows: “A person operating an aircraft for the transportation of passengers or property for compensation (except an airman serving as an airman) is liable to the Government for a civil penalty of not more than \$10,000 for violating—

“(A) chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117), section 44502(b) or (c), chapter 447 (except sections 44717-44723), or chapter 449 (except sections 44902, 44903(d), 44904, and 44907-44909) of this title; or

“(B) a regulation prescribed or order issued under any provision to which clause (A) of this paragraph applies.”

Subsec. (a)(3). Pub. L. 108-176, § 503(a)(4), redesignated par. (5) as (3) and struck out former par. (3) which read as follows: “A civil penalty of not more than \$10,000 may be imposed for each violation under paragraph (1) of this subsection related to

“(A) the transportation of hazardous material;

“(B) the registration or recordation under chapter 441 of this title of an aircraft not used to provide air transportation;

“(C) a violation of section 44718(d), relating to the limitation on construction or establishment of landfills;

“(D) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts; or

“(E) a violation of section 41705, relating to discrimination against handicapped individuals.”

Subsec. (a)(4). Pub. L. 108-176, § 503(a)(6), substituted “paragraph (1)” for “paragraphs (1) and (2)”.

Pub. L. 108-176, § 503(a)(4), redesignated par. (8) as (4). Former par. (4) redesignated (2).

Subsec. (a)(5). Pub. L. 108-176, § 503(a)(7), added par. (5). Former par. (5) redesignated (3).

Subsec. (a)(6). Pub. L. 108-176, § 503(a)(4), struck out heading and text of par. (6). Text read as follows: “Notwithstanding paragraph (1), the maximum civil penalty for violating section 41715 shall be \$5,000 instead of \$1,000.”

Subsec. (a)(7). Pub. L. 108-176, § 503(a)(4), struck out heading and text of par. (7). Text read as follows: “Notwithstanding paragraphs (1) and (4), the maximum civil penalty for violating section 40127 or 41712 (including a regulation prescribed or order issued under such section) or any other regulation prescribed by the Secretary that is intended to afford consumer protection to commercial air transportation passengers, shall be \$2,500 for each violation.”

Subsec. (a)(8). Pub. L. 108-176, § 503(a)(4), redesignated par. (8) as (4).

Subsec. (d)(4)(A). Pub. L. 108-176, § 503(b)(1), substituted “more than—” for “more than \$50,000;” and added cls. (i) to (iii).

Subsec. (d)(8). Pub. L. 108-176, § 503(b)(2), substituted “is—” for “is \$50,000,” and added subpars. (A) to (C).

Subsec. (i). Pub. L. 108-176, § 503(c), added subsec. (i).

2002—Subsec. (a)(8). Pub. L. 107-296 added par. (8).

2001—Subsec. (d)(2). Pub. L. 107-71, § 140(d)(1)(C), inserted “Under Secretary or” before “Administrator shall”.

Pub. L. 107-71, § 140(d)(1)(B), inserted after first sentence “The Under Secretary of Transportation for Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)-(d)(1)(A), 44907(d)(1)(C)-(f), 44908, and 44909) or a regulation prescribed or order issued under such chapter 449.”

Pub. L. 107-71, § 140(d)(1)(A), which directed amendment of subsec. (d)(2) by striking out “, chapter 449 (except sections 44902, 44903(d), 44907(a)-(d)(1)(A) and (d)(1)(C)-(f), 44908, and 44909),” was executed by striking out “, chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)-(d)(1)(A) and (d)(1)(C)-(f), 44908, and 44909),” before “or section 46301(b)”, to reflect the probable intent of Congress.

Subsec. (d)(3), (4). Pub. L. 107-71, § 140(d)(2), substituted “Under Secretary or Administrator” for “Administrator”.

Subsec. (d)(8). Pub. L. 107-71, § 140(d)(3), substituted “Under Secretary, Administrator,” for “Administrator”.

Subsec. (h)(2). Pub. L. 107-71, § 140(d)(4), inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or” after “(or)”.

2000—Subsec. (a)(1)(A). Pub. L. 106-181, §§ 519(c), 720(1), substituted “subchapter II or III of chapter 421” for “subchapter II of chapter 421” and struck out “46302, 46303, or” before “47107(b) (including)”.

Subsec. (a)(3)(C). Pub. L. 106-181, § 503(c), added subpar. (C).

Subsec. (a)(3)(D), (E). Pub. L. 106-181, §§ 504(b), 707(b), added subpars. (D) and (E).

Subsec. (a)(6). Pub. L. 106-181, § 222(b), inserted heading and realigned margins.

Subsec. (a)(7). Pub. L. 106-181, § 222(a), added par. (7).

Subsec. (d)(2). Pub. L. 106-424 substituted “46301(b), 46302, 46303, 46318,” for “46302, 46303,”

Subsec. (d)(7)(A). Pub. L. 106-181, § 720(2), substituted “a penalty on a person” for “a penalty on an individual”.

Subsec. (g). Pub. L. 106-181, § 720(3), inserted “or the Administrator” after “Secretary”.

1997—Subsecs. (a)(1)(A), (2)(A), (d)(2), (f)(1)(A)(i). Pub. L. 105-102 repealed Pub. L. 104-264, §§ 502(c), 1220(b). See 1996 Amendment notes below.

1996—Subsec. (a)(1)(A). Pub. L. 104-287, § 5(77)(A)(iii), (iv), inserted “or” after “46303,” and struck out “, or 41715” after “under such section”.

Pub. L. 104-287, § 5(77)(A)(ii), substituted “section 44502(b) or (c), chapter 447 (except sections 44717 and 44719-44723), chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)-(d)(1)(A) and (d)(1)(C)-(f), and 44908), or section” for “or any of sections 44701(a) or (b), 44702-44716, 44901, 44903(b) or (c), 44905, 44906, 44907(d)(1)(B), 44909(a), 44912-44915, 44932-44938,”.

Pub. L. 104-287, § 5(77)(A)(i), substituted “chapter 413 (except sections 41307 and 41310(b)-(f)), chapter 415 (except sections 41502, 41505, and 41507-41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714),” for “any of sections 41301-41306, 41308-41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705-41709, 41711, 41712, or 41731-41742,”.

Pub. L. 104-264, § 1220(b), which directed amendment of subpar. (A) by inserting “44718(d),” after “44716,” was repealed by Pub. L. 105-102.

Pub. L. 104-264, § 502(c)(1), which directed amendment of subpar. (A) by inserting “44724,” after “44718(d),” was repealed by Pub. L. 105-102.

Subsec. (a)(2)(A). Pub. L. 104-287, § 5(77)(B), substituted “, section 44502(b) or (c), chapter 447 (except sections 44717-44723), or chapter 449 (except sections 44902, 44903(d), 44904, and 44907-44909)” for “or any of sections 44701(a) or (b), 44702-44716, 44901, 44903(b) or (c), 44905, 44906, 44912-44915, or 44932-44938”.

Pub. L. 104-264, § 502(c)(2), which directed amendment of subpar. (A) by inserting “44724,” after “44716,” was repealed by Pub. L. 105-102.

Subsec. (a)(3). Pub. L. 104-287, §5(77)(C), realigned margins of subpars. (A) and (B).

Subsec. (a)(5). Pub. L. 104-264, §804(b), amended par. (5) generally. Prior to amendment, par. (5) read as follows: "In the case of a violation of section 47107(b) of this title, the maximum civil penalty for a continuing violation shall not exceed \$50,000."

Subsec. (c)(1)(A). Pub. L. 104-287, §5(77)(D)(ii), (iii), struck out "or" before "subchapter II" and inserted ", or section 44909" before "of this title".

Pub. L. 104-287, §5(77)(D)(i), substituted "chapter 413 (except sections 41307 and 41310(b)-(f)), chapter 415 (except sections 41502, 41505, and 41507-41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714)," for "any of sections 41301-41306, 41308-41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705-41709, 41711, 41712, or 41731-41742,".

Subsec. (d)(2). Pub. L. 104-287, §5(77)(E), substituted "section 44502(b) or (c), chapter 447 (except sections 44717 and 44719-44723), chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)-(d)(1)(A) and (d)(1)(C)-(f), 44908, and 44909), or section" for "or any of sections 44701(a) or (b), 44702-44716, 44901, 44903(b) or (c), 44905, 44906, 44907(d)(1)(B), 44912-44915, 44932-44938,".

Pub. L. 104-264, §1220(b), which directed amendment of par. (2) by inserting "44718(d)," after "44716," was repealed by Pub. L. 105-102.

Pub. L. 104-264, §502(c)(1), which directed amendment of par. (2) by inserting "44724," after "44718(d)," was repealed by Pub. L. 105-102.

Subsec. (f)(1)(A)(i). Pub. L. 104-287, §5(77)(F), substituted "section 44502(b) or (c), chapter 447 (except sections 44717 and 44719-44723), or chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)-(d)(1)(A) and (d)(1)(C)-(f), 44908, and 44909)" for "or any of sections 44701(a) or (b), 44702-44716, 44901, 44903(b) or (c), 44905, 44906, 44907(d)(1)(B), 44912-44915, or 44932-44938,".

Pub. L. 104-264, §1220(b), which directed amendment of cl. (i) by inserting "44718(d)," after "44716," was repealed by Pub. L. 105-102.

Pub. L. 104-264, §502(c)(1), which directed amendment of cl. (i) by inserting "44724," after "44718(d)," was repealed by Pub. L. 105-102.

1994—Subsec. (a)(1)(A). Pub. L. 103-429, §6(60)(A), substituted "any of sections 41301-41306" for "section 41301-41306" and "any of sections 44701(a)" for "section 44701(a)".

Pub. L. 103-305, §207(c)(1), inserted ", or 41715" before "of this title".

Pub. L. 103-305, §112(c)(1)(A), substituted "46303, 47107(b) (including any assurance made under such section)" for "or 46303".

Subsec. (a)(2)(A). Pub. L. 103-429, §6(60)(B), substituted "any of sections 44701(a)" for "section 44701(a)".

Subsec. (a)(4). Pub. L. 103-305, §207(c)(2), inserted "(other than a violation of section 41715)" after "the violation" in two places.

Subsec. (a)(5). Pub. L. 103-305, §112(c)(1)(B), added par. (5).

Subsec. (a)(6). Pub. L. 103-305, §207(c)(3), added par. (6).

Subsec. (c)(1)(A). Pub. L. 103-429, §6(60)(C), substituted "any of sections 41301-41306" for "section 41301-41306".

Subsec. (d)(2). Pub. L. 103-429, §6(60)(B), substituted "any of sections 44701(a)" for "section 44701(a)".

Pub. L. 103-305, §112(c)(2), substituted "46303, or 47107(b) (as further defined by the Secretary under section 47107(l) and including any assurance made under section 47107(b))" for "or 46303".

Subsec. (d)(7)(D). Pub. L. 103-305, §112(c)(3), added subpar. (D).

Subsec. (f)(1)(A)(i). Pub. L. 103-429, §6(60)(B), substituted "any of sections 44701(a)" for "section 44701(a)".

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-176 applicable only to fiscal years beginning after Sept. 30, 2003, except as other-

wise specifically provided, see section 3 of Pub. L. 108-176, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-102, §3(c), Nov. 20, 1997, 111 Stat. 2215, provided that the amendment made by section 3(c)(4) is effective Oct. 9, 1996.

Amendment by Pub. L. 105-102 effective as if included in the provisions of the Act to which the amendment relates, see section 3(f) of Pub. L. 105-102, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1996 AMENDMENTS

Amendment by Pub. L. 104-287 effective July 5, 1994, see section 8(1) of Pub. L. 104-287, set out as a note under section 5303 of this title.

Amendment by section 502(c) of Pub. L. 104-264 applicable to any air carrier hiring an individual as a pilot whose application was first received by the carrier on or after the 120th day following Oct. 9, 1996, see section 502(d) of Pub. L. 104-264, set out as a note under section 30305 of this title.

Except as otherwise specifically provided, amendment by Pub. L. 104-264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1994 AMENDMENTS

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

Amendment by section 207(c) of Pub. L. 103-305 effective Feb. 1, 1995, see section 207(d) of Pub. L. 103-305, set out as an Effective Date note under section 41719 of this title.

SAVINGS PROVISION

Pub. L. 102-345, §2(c), Aug. 26, 1992, 106 Stat. 925, provided that: "Notwithstanding subsections (a) and (b) of this section, sections 901(a)(3) and 905 of the Federal Aviation Act of 1958 [Pub. L. 85-726] as in effect on July 31, 1992, shall continue in effect on and after such date of enactment with respect to violations of the Federal Aviation Act of 1958 occurring before such date of enactment."

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46302. False information

(a) CIVIL PENALTY.—A person that, knowing the information to be false, gives, or causes to be given, under circumstances in which the in-

formation reasonably may be believed, false information about an alleged attempt being made or to be made to do an act that would violate section 46502(a), 46504, 46505, or 46506 of this title, is liable to the United States Government for a civil penalty of not more than \$10,000 for each violation.

(b) COMPROMISE AND SETOFF.—(1) The Secretary of Homeland Security and, for a violation relating to section 46504, the Secretary of Transportation, may compromise the amount of a civil penalty imposed under subsection (a) of this section.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1234; Pub. L. 108–458, title IV, §4027(b), Dec. 17, 2004, 118 Stat. 3727.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46302(a)	49 App.:1471(c).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §901(c); added Oct. 12, 1984, Pub. L. 98–473, §2014(a)(1), 98 Stat. 2189.
46302(b)	49 App.:1471(a)(2) (related to 1471(c)).	Aug. 23, 1958, Pub. L. 85–726, §901(a)(2) (related to §901(c)), 72 Stat. 784; July 10, 1962, Pub. L. 87–528, §12, 76 Stat. 150; restated Oct. 24, 1978, Pub. L. 95–504, §35(b), 92 Stat. 1740; Oct. 12, 1984, Pub. L. 98–473, §2014(b), 98 Stat. 2189.
	49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, §3(e), 98 Stat. 1704.

In subsection (a), the words “gives, or causes to be given” are substituted for “imparts or conveys or causes to be imparted or conveyed” to eliminate unnecessary words. The words “attempt or”, “a crime”, and “which shall be recoverable in a civil action brought in the name of the United States” are omitted as surplus.

In subsection (b)(1), the words “imposed under” are substituted for “provided for in” for consistency.

In subsection (b)(2), the words “imposed or compromised” are substituted for “The amount of such penalty when finally determined or fixed by order of the Board, or the amount agreed upon in compromise” to eliminate unnecessary words.

AMENDMENTS

2004—Subsec. (b)(1). Pub. L. 108–458 substituted “Secretary of Homeland Security and, for a violation relating to section 46504, the Secretary of Transportation,” for “Secretary of Transportation”.

§ 46303. Carrying a weapon

(a) CIVIL PENALTY.—An individual who, when on, or attempting to board, an aircraft in, or intended for operation in, air transportation or intrastate air transportation, has on or about the individual or the property of the individual a concealed dangerous weapon that is or would be accessible to the individual in flight is liable to the United States Government for a civil penalty of not more than \$10,000 for each violation.

(b) COMPROMISE AND SETOFF.—(1) The Secretary of Homeland Security may compromise the amount of a civil penalty imposed under subsection (a) of this section.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the individual liable for the penalty.

(c) NONAPPLICATION.—This section does not apply to—

(1) a law enforcement officer of a State or political subdivision of a State, or an officer or employee of the Government, authorized to carry arms in an official capacity; or

(2) another individual the Administrator of the Federal Aviation Administration or the Secretary of Homeland Security by regulation authorizes to carry arms in an official capacity.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1234; Pub. L. 107–71, title I, §140(d)(5), Nov. 19, 2001, 115 Stat. 642; Pub. L. 108–458, title IV, §4027(c), Dec. 17, 2004, 118 Stat. 3727.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46303(a)	49 App.:1471(d) (words after 3d comma).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §901(d); added Oct. 12, 1984, Pub. L. 98–473, §2014(a)(1), 98 Stat. 2189.
46303(b)	49 App.:1471(a)(2) (related to 1471(d)).	Aug. 23, 1958, Pub. L. 85–726, §901(a)(2) (related to §901(d)), 72 Stat. 784; July 10, 1962, Pub. L. 87–528, §12, 76 Stat. 150; restated Oct. 24, 1978, Pub. L. 95–504, §35(b), 92 Stat. 1740; Oct. 12, 1984, Pub. L. 98–473, §2014(b), 98 Stat. 2189.
	49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, §3(e), 98 Stat. 1704.
46303(c)	49 App.:1471(d) (words before 3d comma).	

In subsection (a), the words “deadly or” and “which shall be recoverable in a civil action brought in the name of the United States” are omitted as surplus.

In subsection (b)(1), the words “imposed under” are substituted for “provided for in” for consistency.

In subsection (b)(2), the words “imposed or compromised” are substituted for “The amount of such penalty when finally determined or fixed by order of the Board, or the amount agreed upon in compromise” to eliminate unnecessary words.

In subsection (c)(1), the words “State or political subdivision of a State” are substituted for “municipal or State government” for consistency in the revised title and with other titles of the United States Code. The words “or required” are omitted as surplus.

AMENDMENTS

2004—Subsec. (b)(1). Pub. L. 108–458, §4027(c)(1), substituted “Secretary of Homeland Security” for “Secretary of Transportation”.

Subsec. (c)(2). Pub. L. 108–458, §4027(c)(2), substituted “Secretary of Homeland Security” for “Under Secretary of Transportation for Security”.

2001—Subsec. (c)(2). Pub. L. 107–71 inserted “or the Under Secretary of Transportation for Security” after “Federal Aviation Administration”.

§ 46304. Liens on aircraft

(a) AIRCRAFT SUBJECT TO LIENS.—When an aircraft is involved in a violation referred to in section 46301(a)(1)(A)–(C) of this title and the violation is by the owner of, or individual commanding, the aircraft, the aircraft is subject to a lien for the civil penalty.

(b) **SEIZURE.**—An aircraft subject to a lien under this section may be seized summarily and placed in the custody of a person authorized to take custody of it under regulations of the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator). A report on the seizure shall be submitted to the Attorney General. The Attorney General promptly shall bring a civil action in rem to enforce the lien or notify the Secretary or Administrator that the action will not be brought.

(c) **RELEASE.**—An aircraft seized under subsection (b) of this section shall be released from custody when—

- (1) the civil penalty is paid;
- (2) a compromise amount agreed on is paid;
- (3) the aircraft is seized under a civil action in rem to enforce the lien;
- (4) the Attorney General gives notice that a civil action will not be brought under subsection (b) of this section; or
- (5) a bond (in an amount and with a surety the Secretary or Administrator prescribes), conditioned on payment of the penalty or compromise, is deposited with the Secretary or Administrator.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1235; Pub. L. 108-176, title V, §503(d)(2), Dec. 12, 2003, 117 Stat. 2559.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46304(a)	49 App.:1471(b).	Aug. 23, 1958, Pub. L. 85-726, §§901(b), 903(b)(2), (3), 72 Stat. 784, 786.
46304(b)	49 App.:1473(b)(2). 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.
46304(c)	49 App.:1473(b)(3). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In this section, the word “civil” is added before “penalty” for consistency in the revised title and with other titles of the United States Code.

In subsections (b) and (c), the word “Administrator” in section 902(b)(2) and (3) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 786) is retained on authority of 49:106(g). The words “Attorney General” are substituted for “United States attorney for the judicial district in which the seizure is made” and “United States attorney” because of 28:503 and 509.

In subsection (b), the words “report on the seizure” are substituted for “report of the cause” for clarity. The words “bring a civil action in rem” are substituted for “institute proceedings” for clarity and consistency in the revised title and with other titles of the Code and the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “that the action will not be brought” are substituted for “of his failure to so act” for clarity.

In subsection (c)(3), the words “under a civil action in rem” are substituted for “in pursuance of process of any court in proceedings in rem” to eliminate unnecessary words and for consistency.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-176 struck out “, (2), or (3)” after “section 46301(a)(1)(A)–(C)”.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as a note under section 106 of this title.

§ 46305. Actions to recover civil penalties

A civil penalty under this chapter may be collected by bringing a civil action against the person subject to the penalty, a civil action in rem against an aircraft subject to a lien for a penalty, or both. The action shall conform as nearly as practicable to a civil action in admiralty, regardless of the place an aircraft in a civil action in rem is seized. However, a party may demand a jury trial of an issue of fact in an action involving a civil penalty under this chapter (except a penalty imposed by the Secretary of Transportation that formerly was imposed by the Civil Aeronautics Board) if the value of the matter in controversy is more than \$20. Issues of fact tried by a jury may be reexamined only under common law rules.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1235.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46305	49 App.:1473(b)(1).	Aug. 23, 1958, Pub. L. 85-726, §903(b)(1), 72 Stat. 786; Oct. 24, 1978, Pub. L. 95-504, §36, 92 Stat. 1741.
	49 App.:1473(b)(4).	Aug. 23, 1958, Pub. L. 85-726, §903(b)(4), 72 Stat. 787.
	49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704.

The text of 49 App.:1473(b)(4) is omitted because of 28:ch. 131. The words “imposed or assessed” are omitted as surplus. The words “bringing a civil action” are substituted for “proceedings in personam”, the words “civil action in rem” are substituted for “proceedings in rem”, and the words “civil action” are substituted for “civil suits”, for consistency in the revised title and with other titles of the United States Code and the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “regardless of the place an aircraft in a civil action in rem is seized” are substituted for 49 App.:1473(b)(1) (last sentence) to eliminate unnecessary words. The word “civil” is added after “involving a” for clarity. The words “(except a penalty imposed by the Secretary of Transportation that formerly was imposed by the Civil Aeronautics Board)” are substituted for “other than those assessed by the Board” because the Civil Aeronautics Board went out of existence and its duties and powers were transferred to the Secretary of Transportation.

§ 46306. Registration violations involving aircraft not providing air transportation

(a) **APPLICATION.**—This section applies only to aircraft not used to provide air transportation.

(b) **GENERAL CRIMINAL PENALTY.**—Except as provided by subsection (c) of this section, a person shall be fined under title 18, imprisoned for not more than 3 years, or both, if the person—

(1) knowingly and willfully forges or alters a certificate authorized to be issued under this part;

(2) knowingly sells, uses, attempts to use, or possesses with the intent to use, such a certificate;

(3) knowingly and willfully displays or causes to be displayed on an aircraft a mark that is false or misleading about the nationality or registration of the aircraft;

(4) obtains a certificate authorized to be issued under this part by knowingly and willfully falsifying or concealing a material fact, making a false, fictitious, or fraudulent statement, or making or using a false document knowing it contains a false, fictitious, or fraudulent statement or entry;

(5) owns an aircraft eligible for registration under section 44102 of this title and knowingly and willfully operates, attempts to operate, or allows another person to operate the aircraft when—

(A) the aircraft is not registered under section 44103 of this title or the certificate of registration is suspended or revoked; or

(B) the owner knows or has reason to know that the other person does not have proper authorization to operate or navigate the aircraft without registration for a period of time after transfer of ownership;

(6) knowingly and willfully operates or attempts to operate an aircraft eligible for registration under section 44102 of this title knowing that—

(A) the aircraft is not registered under section 44103 of this title;

(B) the certificate of registration is suspended or revoked; or

(C) the person does not have proper authorization to operate or navigate the aircraft without registration for a period of time after transfer of ownership;

(7) knowingly and willfully serves or attempts to serve in any capacity as an airman without an airman's certificate authorizing the individual to serve in that capacity;

(8) knowingly and willfully employs for service or uses in any capacity as an airman an individual who does not have an airman's certificate authorizing the individual to serve in that capacity; or

(9) operates an aircraft with a fuel tank or fuel system that has been installed or modified knowing that the tank, system, installation, or modification does not comply with regulations and requirements of the Administrator of the Federal Aviation Administration.

(c) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—(1) In this subsection, “controlled substance” has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(2) A person violating subsection (b) of this section shall be fined under title 18, imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and the transporting, aiding, or facilitating—

(A) is punishable by death or imprisonment of more than one year under a law of the United States or a State; or

(B) that is provided is related to an act punishable by death or imprisonment for more than one year under a law of the United States

or a State related to a controlled substance (except a law related to simple possession of a controlled substance).

(3) A term of imprisonment imposed under paragraph (2) of this subsection shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual.

(d) SEIZURE AND FORFEITURE.—(1) The Administrator of Drug Enforcement or the Commissioner of Customs may seize and forfeit under the customs laws an aircraft whose use is related to a violation of subsection (b) of this section, or to aid or facilitate a violation, regardless of whether a person is charged with the violation.

(2) An aircraft's use is presumed to have been related to a violation of, or to aid or facilitate a violation of—

(A) subsection (b)(1) of this section if the aircraft certificate of registration has been forged or altered;

(B) subsection (b)(3) of this section if there is an external display of false or misleading registration numbers or country of registration;

(C) subsection (b)(4) of this section if—

(i) the aircraft is registered to a false or fictitious person; or

(ii) the application form used to obtain the aircraft certificate of registration contains a material false statement;

(D) subsection (b)(5) of this section if the aircraft was operated when it was not registered under section 44103 of this title; or

(E) subsection (b)(9) of this section if the aircraft has a fuel tank or fuel system that was installed or altered—

(i) in violation of a regulation or requirement of the Administrator of the Federal Aviation Administration; or

(ii) if a certificate required to be issued for the installation or alteration is not carried on the aircraft.

(3) The Administrator of the Federal Aviation Administration, the Administrator of Drug Enforcement, and the Commissioner shall agree to a memorandum of understanding to establish procedures to carry out this subsection.

(e) RELATIONSHIP TO STATE LAWS.—This part does not prevent a State from establishing a criminal penalty, including providing for forfeiture and seizure of aircraft, for a person that—

(1) knowingly and willfully forges or alters an aircraft certificate of registration;

(2) knowingly sells, uses, attempts to use, or possesses with the intent to use, a fraudulent aircraft certificate of registration;

(3) knowingly and willfully displays or causes to be displayed on an aircraft a mark that is false or misleading about the nationality or registration of the aircraft; or

(4) obtains an aircraft certificate of registration from the Administrator of the Federal Aviation Administration by—

(A) knowingly and willfully falsifying or concealing a material fact;

(B) making a false, fictitious, or fraudulent statement; or

(C) making or using a false document knowing it contains a false, fictitious, or fraudulent statement or entry.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1235; Pub. L. 104-287, §5(78), Oct. 11, 1996, 110 Stat. 3397.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46306(a)	49 App.:1303 (note).	Nov. 18, 1988, Pub. L. 100-690, §7214, 102 Stat. 4434.
46306(b)	49 App.:1472(b)(1), (2) (1st sentence cl. (A)).	Aug. 23, 1958, Pub. L. 85-726, §902(b)(1)-(4), 72 Stat. 784; Oct. 19, 1984, Pub. L. 98-499, §6, 98 Stat. 2316; re-stated Nov. 18, 1988, Pub. L. 100-690, §7209(a), 102 Stat. 4429.
46306(c)(1) ..	49 App.:1472(b)(4).	
46306(c)(2) ..	49 App.:1472(b)(2) (1st sentence cl. (B)).	
46306(c)(3) ..	49 App.:1472(b)(2) (last sentence).	
46306(d)	49 App.:1472(b)(3).	
46306(e)	49 App.:1472(b)(5).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §902(b)(5); added Oct. 27, 1986, Pub. L. 99-570, §3401(a)(1), 100 Stat. 3207-99; Nov. 18, 1988, Pub. L. 100-690, §7209(a), (b)(1), 102 Stat. 4429, 4432.

In subsections (b)(9), (d), and (e), the word “Administrator” in section 902(b) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 784) is retained on authority of 49:106(g).

In subsection (b), before clause (1), the words “Except as provided by subsection (c) of this section” are added for clarity. The words “It shall be unlawful for any person” and “upon conviction” are omitted as surplus. The words “fined under title 18” are substituted for “a fine of not more than \$15,000” for consistency with title 18. In clause (1), the words “counterfeit” and “falsely make” are omitted as surplus. In clause (4), the words “covering up”, “representation”, and “writing” are omitted as surplus. In clause (7), the word “valid” is omitted as surplus.

In subsection (c)(2), before clause (A), the words “fined under title 18” are substituted for “a fine of not more than \$25,000” for consistency with title 18.

In subsection (d)(1) and (3), the words “Administrator of Drug Enforcement” are substituted for “Drug Enforcement Administration of the Department of Justice” and “Drug Enforcement Administration” because of section 5(a) of Reorganization Plan No. 2 of 1973 (eff. July 1, 1973, 87 Stat. 1092). The words “Commissioner of Customs” and “Commissioner” are substituted for “United States Customs Service” because of 19:2071.

In subsection (d)(2)(A), the words “aircraft certificate of registration” are substituted for “registration” for consistency in this section. The words “counterfeited” and “falsely made” are omitted as surplus.

In subsections (d)(2)(C)(ii) and (e), the words “aircraft certificate of registration” are substituted for “aircraft registration certificate” for consistency with 49 App.:1401, restated in chapter 441 of the revised title.

In subsection (e), before clause (1), the words “this subsection or in any other provision of” are omitted as surplus. In clause (1), the words “counterfeits” and “falsely makes” are omitted as surplus. In clause (4)(A), the words “covering up” are omitted as surplus. In clause (4)(B), the words “or representation” are omitted as surplus. In clause (4)(C), the words “writing or” are omitted as surplus.

PUB. L. 104-287

This makes a clarifying amendment to 49:46306(c)(2)(B).

AMENDMENTS

1996—Subsec. (c)(2)(B). Pub. L. 104-287 inserted “that is” before “provided”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-287 effective July 5, 1994, see section 8(1) of Pub. L. 104-287, set out as a note under section 5303 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46307. Violation of national defense airspace

A person that knowingly or willfully violates section 40103(b)(3) of this title or a regulation prescribed or order issued under section 40103(b)(3) shall be fined under title 18, imprisoned for not more than one year, or both.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1237.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46307	49 App.:1523.	Aug. 23, 1958, Pub. L. 85-726, §1203, 72 Stat. 800.

The words “In addition to the penalties otherwise provided for by this chapter” are omitted as surplus. The word “prescribed” is added for consistency in the revised title. The words “fined under title 18” are substituted for “a fine of not exceeding \$10,000”, and the words “shall be deemed guilty of a misdemeanor” are omitted, for consistency with title 18. The words “and upon conviction thereof” and “such fine and imprisonment” are omitted as surplus.

§ 46308. Interference with air navigation

A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person—

(1) with intent to interfere with air navigation in the United States, exhibits in the United States a light or signal at a place or in a way likely to be mistaken for a true light or signal established under this part or for a true light or signal used at an air navigation facility;

(2) after a warning from the Administrator of the Federal Aviation Administration, continues to maintain a misleading light or signal; or

(3) knowingly interferes with the operation of a true light or signal.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1238.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46308	49 App.:1472(c). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §902(c), 72 Stat. 784. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.

In this section, before clause (1), the words “fined under title 18” are substituted for “a fine of not exceed-

ing \$5,000” for consistency with title 18. The words “such fine and imprisonment” are omitted as surplus. In clause (1), the words “used at” are substituted for “in connection with” for clarity. The words “airport or other” are omitted as being included in the definition of “air navigation facility” in section 40102(a) of the revised title. In clause (2), the word “due” is omitted as surplus. The word “Administrator” in section 902(c) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 784) is retained on authority of 49:106(g). In clause (3), the words “removes, extinguishes, or” are omitted as surplus.

§ 46309. Concession and price violations

(a) CRIMINAL PENALTY FOR OFFERING, GRANTING, GIVING, OR HELPING TO OBTAIN CONCESSIONS AND LOWER PRICES.—An air carrier, foreign air carrier, ticket agent, or officer, agent, or employee of an air carrier, foreign air carrier, or ticket agent shall be fined under title 18 if the air carrier, foreign air carrier, ticket agent, officer, agent, or employee—

(1) knowingly and willfully offers, grants, or gives, or causes to be offered, granted, or given, a rebate or other concession in violation of this part; or

(2) by any means knowingly and willfully assists, or willingly allows, a person to obtain transportation or services subject to this part at less than the price lawfully in effect.

(b) CRIMINAL PENALTY FOR RECEIVING REBATES, PRIVILEGES, AND FACILITIES.—A person shall be fined under title 18 if the person by any means—

(1) knowingly and willfully solicits, accepts, or receives a rebate of a part of a price lawfully in effect for the foreign air transportation of property, or a service related to the foreign air transportation; or

(2) knowingly solicits, accepts, or receives a privilege or facility related to a matter the Secretary of Transportation requires be specified in a currently effective tariff applicable to the foreign air transportation of property.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1238.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46309(a)	49 App.:1472(d)(1).	Aug. 23, 1958, Pub. L. 85-726, §902(d)(1), 72 Stat. 785; Jan. 3, 1975, Pub. L. 93-623, §8(b), 88 Stat. 2105.
46309(b)	49 App.:1472(d)(2).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §902(d)(2); added Jan. 3, 1975, Pub. L. 93-623, §8(b), 88 Stat. 2106.
	49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704.

In this section, the words “fined under title 18” are substituted for “a fine of not less than \$100 and not more than \$5,000” and “fined not less than \$100, nor more than \$5,000” for consistency with title 18. The words “for each offense” are omitted as surplus. The words “fares, or charges” are omitted as surplus because of the definition of “rate” in section 40102(a) of the revised title.

In subsection (a), before clause (1), the word “representative” is omitted as surplus. The words “shall be deemed guilty of a misdemeanor” are omitted as superseded by 18:3559. The words “and, upon conviction thereof” are omitted as surplus. In clause (2), the words “device or” and “suffer or” are omitted as surplus.

In subsection (b), before clause (1), the words “by any means” are substituted for “in any manner or by any device” for consistency in this section and to eliminate unnecessary words. In clauses (1) and (2), the word “foreign” is added for clarity because only foreign air transportation has regulated prices. In clause (1), the word “rebate” is substituted for “refund or remittance” for consistency in this section. In clause (2), the word “favor” is omitted as being included in “privilege”.

§ 46310. Reporting and recordkeeping violations

(a) GENERAL CRIMINAL PENALTY.—An air carrier or an officer, agent, or employee of an air carrier shall be fined under title 18 for intentionally—

(1) failing to make a report or keep a record under this part;

(2) falsifying, mutilating, or altering a report or record under this part; or

(3) filing a false report or record under this part.

(b) SAFETY REGULATION CRIMINAL PENALTY.—An air carrier or an officer, agent, or employee of an air carrier shall be fined under title 18, imprisoned for not more than 5 years, or both, for intentionally falsifying or concealing a material fact, or inducing reliance on a false statement of material fact, in a report or record under section 44701(a) or (b) or any of sections 44702–44716 of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1238; Pub. L. 103-429, §6(56), Oct. 31, 1994, 108 Stat. 4385.)

HISTORICAL AND REVISION NOTES PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46310	49 App.:1472(e).	Aug. 23, 1958, Pub. L. 85-726, §902(e), 72 Stat. 785; re-stated Sept. 30, 1987, Pub. L. 100-121, 101 Stat. 792.

In this section, the word “representative” is omitted as surplus. The words “account” and “memorandum” are omitted as being included in “record”.

In subsection (a), before clause (1), the words “fined under title 18” are substituted for “fined not more than \$5,000 in the case of an individual and not more than \$10,000 in the case of a person other than an individual” for consistency in this section and with title 18.

In subsection (b), the words “or representation” are omitted a surplus.

PUB. L. 103-429

This amends 49:44711(a)(2)(B), (5), and (7) and 46310(b) to correct erroneous cross-references.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-429 inserted “any of sections” before “44702-44716”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

§ 46311. Unlawful disclosure of information

(a) CRIMINAL PENALTY.—The Secretary of Transportation, the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out

by the Under Secretary, the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator, or an officer or employee of the Secretary, Under Secretary, or Administrator shall be fined under title 18, imprisoned for not more than 2 years, or both, if the Secretary, Under Secretary, Administrator, officer, or employee knowingly and willfully discloses information that—

(1) the Secretary, Under Secretary, Administrator, officer, or employee acquires when inspecting the records of an air carrier; or

(2) is withheld from public disclosure under section 40115 of this title.

(b) NONAPPLICATION.—Subsection (a) of this section does not apply if—

(1) the officer or employee is directed by the Secretary, Under Secretary, or Administrator to disclose information that the Secretary, Under Secretary, or Administrator had ordered withheld; or

(2) the Secretary, Under Secretary, Administrator, officer, or employee is directed by a court of competent jurisdiction to disclose the information.

(c) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize the Secretary, Under Secretary, or Administrator to withhold information from a committee of Congress authorized to have the information.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1239; Pub. L. 107–71, title I, §140(d)(6), Nov. 19, 2001, 115 Stat. 642.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46311(a), (b)	49 App.:1472(f) (words before proviso). 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85–726, §902(f), 72 Stat. 785.
	49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, §3(e), 98 Stat. 1704. Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 936; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
46311(c)	49 App.:1472(f) (proviso). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In this section, the word “Administrator” in section 902(f) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 785) is retained on authority of 49:106(g).

In subsection (a), before clause (1), the words “fined under title 18” are substituted for “a fine of not more than \$5,000” for consistency with title 18. The words “upon conviction thereof be subject for each offense” are omitted as surplus. The words “any fact or” are omitted as being included in “information”. In clause (1), the words “the Secretary, Administrator, officer, or employee acquires” are substituted for “may come to his knowledge” for clarity and consistency.

In subsection (b)(2), the words “or a judge thereof” are omitted as surplus.

In subsection (c), the word “duly” is omitted as surplus.

AMENDMENTS

2001—Subsec. (a). Pub. L. 107–71, §140(d)(6), in introductory provisions, inserted “the Under Secretary of Transportation for Security with respect to security

duties and powers designated to be carried out by the Under Secretary,” after “Transportation,” and “Under Secretary,” after “Secretary,” and substituted “, Under Secretary, or Administrator” for “or Administrator”.

Subsec. (a)(1). Pub. L. 107–71, §140(d)(6)(B) inserted “Under Secretary,” after “Secretary,”.

Subsec. (b)(1). Pub. L. 107–71, §140(d)(6)(C), substituted “, Under Secretary, or Administrator” for “or Administrator” in two places.

Subsec. (b)(2). Pub. L. 107–71, §140(d)(6)(B) inserted “Under Secretary,” after “Secretary,”.

Subsec. (c). Pub. L. 107–71, §140(d)(6)(C), substituted “, Under Secretary, or Administrator” for “or Administrator”.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46312. Transporting hazardous material

(a) IN GENERAL.—A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person, in violation of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary of Transportation under this part or chapter 51—

(1) willfully delivers, or causes to be delivered, property containing hazardous material to an air carrier or to an operator of a civil aircraft for transportation in air commerce; or

(2) recklessly causes the transportation in air commerce of the property.

(b) KNOWLEDGE OF REGULATIONS.—For purposes of subsection (a), knowledge by the person of the existence of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary under this part or chapter 51 is not an element of an offense under this section but shall be considered in mitigation of the penalty.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1239; Pub. L. 106–181, title V, §507, Apr. 5, 2000, 114 Stat. 140; Pub. L. 109–59, title VII, §7128(a), Aug. 10, 2005, 119 Stat. 1909.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46312	49 App.:1472(h)(2).	Aug. 23, 1958, Pub. L. 85–726, §902(h)(2), 72 Stat. 785; re-stated Jan. 3, 1975, Pub. L. 93–633, §113(c), 88 Stat. 2162.

In this section, before clause (1), the words “is guilty of an offense”, “Upon conviction”, and “for each offense” are omitted as surplus. The words “fined under title 18” are substituted for “a fine of not more than \$25,000” for consistency with title 18. The word “prescribed” is substituted for “issued” for consistency in the revised title and with other titles of the United States Code. In clause (1), the words “shipment, baggage, or other” are omitted as surplus.

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-59, §7128(a)(1), substituted “this part or chapter 51—” for “this part—” in introductory provisions.

Subsec. (b). Pub. L. 109-59, §7128(a)(2), inserted “or chapter 51” after “under this part”.

2000—Pub. L. 106-181 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

§ 46313. Refusing to appear or produce records

A person not obeying a subpoena or requirement of the Secretary of Transportation (or the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) to appear and testify or produce records shall be fined under title 18, imprisoned for not more than one year, or both.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1239; Pub. L. 107-71, title I, §140(d)(7), Nov. 19, 2001, 115 Stat. 642.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46313	49 App.:1472(g). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §902(g), 72 Stat. 785. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.

The word “Administrator” in section 902(g) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 785) is retained on authority of 49:106(g). The words “not obeying” are substituted for “who shall neglect or refuse . . . or to answer any lawful inquiry . . . in obedience to” to eliminate surplus words. The word “lawful” is omitted as surplus. The word “appear” is substituted for “attend” for clarity. The word “records” is substituted for “books, papers, or documents” for consistency in the revised title and with other titles of the United States Code. The words “if in his power to do so” are omitted as surplus. The words “shall be guilty of a misdemeanor” are omitted for consistency with title 18. The words “and, upon conviction thereof” are omitted as surplus. The words “fined under title 18” are substituted for “a fine of not less than \$100 nor more than \$5,000” for consistency with title 18.

AMENDMENTS

2001—Pub. L. 107-71 inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or” after “(or)”.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sec-

tions 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46314. Entering aircraft or airport area in violation of security requirements

(a) PROHIBITION.—A person may not knowingly and willfully enter, in violation of security requirements prescribed under section 44901, 44903(b) or (c), or 44906 of this title, an aircraft or an airport area that serves an air carrier or foreign air carrier.

(b) CRIMINAL PENALTY.—(1) A person violating subsection (a) of this section shall be fined under title 18, imprisoned for not more than one year, or both.

(2) A person violating subsection (a) of this section with intent to commit, in the aircraft or airport area, a felony under a law of the United States or a State shall be fined under title 18, imprisoned for not more than 10 years, or both.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1239.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46314	49 App.:1472(r).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §902(r); added Dec. 30, 1987, Pub. L. 100-223, §204(f)(2), 101 Stat. 1520.

In subsection (b), the words “fined under title 18” are substituted for “a fine not to exceed \$1,000” and “a fine not to exceed \$10,000” for consistency with title 18.

In subsection (b)(1), the words “Upon conviction” are omitted as surplus.

In subsection (b)(2), the words “airport area” are substituted for “secured area” for consistency in this section.

§ 46315. Lighting violations involving transporting controlled substances by aircraft not providing air transportation

(a) APPLICATION.—This section applies only to aircraft not used to provide air transportation.

(b) CRIMINAL PENALTY.—A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if—

(1) the person knowingly and willfully operates an aircraft in violation of a regulation or requirement of the Administrator of the Federal Aviation Administration related to the display of navigation or anticollision lights;

(2) the person is knowingly transporting a controlled substance by aircraft or aiding or facilitating a controlled substance offense; and

(3) the transporting, aiding, or facilitating—
(A) is punishable by death or imprisonment for more than one year under a law of the United States or a State; or

(B) is provided in connection with an act punishable by death or imprisonment for more than one year under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance).

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1240.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46315(a)	49 App.:1303 (note).	Nov. 18, 1988, Pub. L. 100-690, § 7214, 102 Stat. 4434.
46315(b)	49 App.:1472(q).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 902(q); added Oct. 19, 1984, Pub. L. 98-499, § 5(a), 98 Stat. 2315; restated Oct. 27, 1986, Pub. L. 99-570, § 3401(b)(1), 100 Stat. 3207-100; Nov. 18, 1988, Pub. L. 100-690, § 7209(c)(1), (2)(A), 102 Stat. 4432.

In subsection (b), before clause (1), the words “fined under title 18” are substituted for “a fine not exceeding \$25,000” for consistency with title 18. In clause (2), the word “knowingly” is substituted for “and with knowledge of such act” to eliminate unnecessary words.

§ 46316. General criminal penalty when specific penalty not provided

(a) CRIMINAL PENALTY.—Except as provided by subsection (b) of this section, when another criminal penalty is not provided under this chapter, a person that knowingly and willfully violates this part, a regulation prescribed or order issued by the Secretary of Transportation (or the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) under this part, or any term of a certificate or permit issued under section 41102, 41103, or 41302 of this title shall be fined under title 18. A separate violation occurs for each day the violation continues.

(b) NONAPPLICATION.—Subsection (a) of this section does not apply to chapter 401 (except sections 40103(a) and (d), 40105, 40116, and 40117), chapter 441 (except section 44109), chapter 445, chapter 447 (except section 44718(a)), and chapter 449 (except sections 44902, 44903(d), 44904, and 44907-44909) of this title.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1240; Pub. L. 104-287, § 5(79), Oct. 11, 1996, 110 Stat. 3397; Pub. L. 105-102, § 3(d)(1)(D), Nov. 20, 1997, 111 Stat. 2215; Pub. L. 107-71, title I, § 140(d)(7), Nov. 19, 2001, 115 Stat. 642.)

HISTORICAL AND REVISION NOTES PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46316	49 App.:1472(a).	Aug. 23, 1958, Pub. L. 85-726, § 902(a), 72 Stat. 784; restated July 10, 1962, Pub. L. 87-528, § 13, 76 Stat. 150.
	49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, § 3(e), 98 Stat. 1704.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89-670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, § 7(b), 96 Stat. 2444.

In subsection (a), the word “prescribed” is added for consistency in the revised title. The words “condition, or limitation of” are omitted as surplus. The word “Administrator” in section 902(a) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 784) is retained on authority of 49:106(g). The words “or in section 1474

of this Appendix” are omitted as surplus because 49 App.:1474 is not included in the revised title. The words “shall be deemed guilty of a misdemeanor” are omitted for consistency with title 18. The words “and upon conviction thereof” are omitted as surplus. The words “shall be fined under title 18” are substituted for “shall be subject for the first offense to a fine of not more than \$500, and for any subsequent offense to a fine of not more than \$2,000” for consistency with title 18.

In subsection (b), reference to 49 App.:ch. 20, subch. VII is omitted as unnecessary because subchapter VII is not restated in this part.

PUB. L. 104-287

This amends 49:46316(b) to make it easier to include future sections in the cross-reference by restating it in terms of chapters.

AMENDMENTS

2001—Subsec. (a). Pub. L. 107-71 inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or” after “(or)”.

1997—Subsec. (b). Pub. L. 105-102 amended directory language of Pub. L. 104-287. See 1996 Amendment note below.

1996—Subsec. (b). Pub. L. 104-287, as amended by Pub. L. 105-102, substituted “chapter 447 (except section 44718(a)), and chapter 449 (except sections 44902, 44903(d), 44904, and 44907-44909)” for “and sections 44701(a) and (b), 44702-44716, 44901, 44903(b) and (c), 44905, 44906, 44912-44915, and 44932-44938”.

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-102, § 3(d), Nov. 20, 1997, 111 Stat. 2215, provided that the amendment made by section 3(d)(1)(D) is effective Oct. 11, 1996.

Amendment by Pub. L. 105-102 effective as if included in the provisions of the Act to which the amendment relates, see section 3(f) of Pub. L. 105-102, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-287 effective July 5, 1994, see section 8(1) of Pub. L. 104-287, set out as a note under section 5303 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46317. Criminal penalty for pilots operating in air transportation without an airman's certificate

(a) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18 or imprisoned for not more than 3 years, or both, if that individual—

(1) knowingly and willfully serves or attempts to serve in any capacity as an airman operating an aircraft in air transportation without an airman's certificate authorizing the individual to serve in that capacity; or

(2) knowingly and willfully employs for service or uses in any capacity as an airman to operate an aircraft in air transportation an individual who does not have an airman's certifi-

cate authorizing the individual to serve in that capacity.

(b) **CONTROLLED SUBSTANCE CRIMINAL PENALTY.**—

(1) **CONTROLLED SUBSTANCES DEFINED.**—In this subsection, the term “controlled substance” has the meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(2) **CRIMINAL PENALTY.**—An individual violating subsection (a) shall be fined under title 18 or imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and that transporting, aiding, or facilitating—

(A) is punishable by death or imprisonment of more than 1 year under a Federal or State law; or

(B) is related to an act punishable by death or imprisonment for more than 1 year under a Federal or State law related to a controlled substance (except a law related to simple possession (as that term is used in section 46306(c)) of a controlled substance).

(3) **TERMS OF IMPRISONMENT.**—A term of imprisonment imposed under paragraph (2) shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual subject to the imprisonment.

(Added Pub. L. 106–181, title V, §509(a), Apr. 5, 2000, 114 Stat. 141.)

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 46318. Interference with cabin or flight crew

(a) **GENERAL RULE.**—An individual who physically assaults or threatens to physically assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty of not more than \$25,000.

(b) **COMPROMISE AND SETOFF.**—

(1) **COMPROMISE.**—The Secretary may compromise the amount of a civil penalty imposed under this section.

(2) **SETOFF.**—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.

(Added Pub. L. 106–181, title V, §511(a), Apr. 5, 2000, 114 Stat. 142.)

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 46319. Permanent closure of an airport without providing sufficient notice

(a) **PROHIBITION.**—A public agency (as defined in section 47102) may not permanently close an

airport listed in the national plan of integrated airport systems under section 47103 without providing written notice to the Administrator of the Federal Aviation Administration at least 30 days before the date of the closure.

(b) **PUBLICATION OF NOTICE.**—The Administrator shall publish each notice received under subsection (a) in the Federal Register.

(c) **CIVIL PENALTY.**—A public agency violating subsection (a) shall be liable for a civil penalty of \$10,000 for each day that the airport remains closed without having given the notice required by this section.

(Added Pub. L. 108–176, title I, §185(a), Dec. 12, 2003, 117 Stat. 2517.)

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

CHAPTER 465—SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES

Sec.	
46501.	Definitions.
46502.	Aircraft piracy.
46503.	Interference with security screening personnel.
46503.	Repealed. ¹
46504.	Interference with flight crew members and attendants.
46505.	Carrying a weapon or explosive on an aircraft.
46506.	Application of certain criminal laws to acts on aircraft.
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AMENDMENTS

2001—Pub. L. 107–71, title I, §114(b), Nov. 19, 2001, 115 Stat. 623, added item 46503 “Interference with security screening personnel”.

1994—Pub. L. 103–322, title VI, §60003(b)(1), Sept. 13, 1994, 108 Stat. 1970, substituted “Repealed” for “Death penalty sentencing procedure for aircraft piracy” in item 46503.

§ 46501. Definitions

In this chapter—

(1) “aircraft in flight” means an aircraft from the moment all external doors are closed following boarding—

(A) through the moment when one external door is opened to allow passengers to leave the aircraft; or

(B) until, if a forced landing, competent authorities take over responsibility for the aircraft and individuals and property on the aircraft.

(2) “special aircraft jurisdiction of the United States” includes any of the following aircraft in flight:

(A) a civil aircraft of the United States.

(B) an aircraft of the armed forces of the United States.

(C) another aircraft in the United States.

(D) another aircraft outside the United States—

(i) that has its next scheduled destination or last place of departure in the

¹ So in original. This item probably should not appear.

United States, if the aircraft next lands in the United States;

(ii) on which an individual commits an offense (as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft) if the aircraft lands in the United States with the individual still on the aircraft; or

(iii) against which an individual commits an offense (as defined in subsection (d) or (e) of article I, section I of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation) if the aircraft lands in the United States with the individual still on the aircraft.

(E) any other aircraft leased without crew to a lessee whose principal place of business is in the United States or, if the lessee does not have a principal place of business, whose permanent residence is in the United States.

(3) an individual commits an offense (as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft) when the individual, when on an aircraft in flight—

(A) by any form of intimidation, unlawfully seizes, exercises control of, or attempts to seize or exercise control of, the aircraft; or

(B) is an accomplice of an individual referred to in subclause (A) of this clause.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1240.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46501(1)	49 App.:1301(38) (words after 10th comma).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 101(38); added Oct. 14, 1970, Pub. L. 91-449, §1(1), 84 Stat. 921; restated Aug. 5, 1974, Pub. L. 93-366, §§102, 206, 88 Stat. 409, 419; Nov. 9, 1977, Pub. L. 95-163, §17(b)(1), 91 Stat. 1286; Oct. 24, 1978, Pub. L. 95-504, §2(b), 92 Stat. 1705; Oct. 12, 1984, Pub. L. 98-473, §2013(c), 98 Stat. 2189.
	49 App.:1472(n)(4).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §902(n)(2), (4); added Aug. 5, 1974, Pub. L. 93-366, §103(b), 88 Stat. 410, 411.
46501(2)	49 App.:1301(38) (words before 10th comma).	
46501(3)	49 App.:1472(n)(2).	

In clause (2), before subclause (A), the words “any of the following” are substituted for “includes” for clarity. In subclause (B), the words “armed forces” are substituted for “national defense forces” because of 10:101. In subclause (D)(i), the word “place” is substituted for “point” for consistency in the revised title. The word “actually” is omitted as surplus. In subclause (D)(ii), the words “on which an individual commits” are substituted for “having . . . committed aboard” for clarity. In subclause (D)(iii), the words “against which an individual commits” are substituted for “regarding which an offense . . . is committed” for clarity. The words “(Montreal, September 23, 1971)” are omitted as surplus. In subclause (E), the words “the lessee does not have a principal place of business” are substituted for “none” for clarity.

In clause (3), the words “by force or threat thereof, or . . . other” are omitted as surplus.

§ 46502. Aircraft piracy

(a) IN SPECIAL AIRCRAFT JURISDICTION.—(1) In this subsection—

(A) “aircraft piracy” means seizing or exercising control of an aircraft in the special aircraft jurisdiction of the United States by force, violence, threat of force or violence, or any form of intimidation, and with wrongful intent.

(B) an attempt to commit aircraft piracy is in the special aircraft jurisdiction of the United States although the aircraft is not in flight at the time of the attempt if the aircraft would have been in the special aircraft jurisdiction of the United States had the aircraft piracy been completed.

(2) An individual committing or attempting or conspiring to commit aircraft piracy—

(A) shall be imprisoned for at least 20 years; or

(B) notwithstanding section 3559(b) of title 18, if the death of another individual results from the commission or attempt, shall be put to death or imprisoned for life.

(b) OUTSIDE SPECIAL AIRCRAFT JURISDICTION.—

(1) An individual committing or conspiring to commit an offense (as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft) on an aircraft in flight outside the special aircraft jurisdiction of the United States—

(A) shall be imprisoned for at least 20 years; or

(B) notwithstanding section 3559(b) of title 18, if the death of another individual results from the commission or attempt, shall be put to death or imprisoned for life.

(2) There is jurisdiction over the offense in paragraph (1) if—

(A) a national of the United States was aboard the aircraft;

(B) an offender is a national of the United States; or

(C) an offender is afterwards found in the United States.

(3) For purposes of this subsection, the term “national of the United States” has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1241; Pub. L. 103-429, §6(61), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 104-132, title VII, §§721(a), 723(b), Apr. 24, 1996, 110 Stat. 1298, 1300.)

HISTORICAL AND REVISION NOTES PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46502(a)(1) ..	49 App.:1472(i)(2), (3).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §902(i); added Sept. 5, 1961, Pub. L. 87-197, §1, 75 Stat. 466; Oct. 14, 1970, Pub. L. 91-449, §1(3), 84 Stat. 921; Aug. 5, 1974, Pub. L. 93-366, §§103(a), 104, 88 Stat. 410, 411.
46502(a)(2) ..	49 App.:1472(i)(1).	
46502(b)(1) ..	49 App.:1472(n)(1).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §902(n)(1), (3); added Aug. 5, 1974, Pub. L. 93-366, §103(b), 88 Stat. 410.
46502(b)(2) ..	49 App.:1472(n)(3).	

In subsection (a)(1)(B), the words “offense of” are omitted as surplus.

In subsection (a)(2), the words “as herein defined” are omitted as surplus.

In subsection (b)(2), the words “the place of actual” are omitted as surplus. The words “as defined in paragraph (2) of this subsection” are omitted because of the restatement. The word “country” is substituted for “State” for consistency in the revised title and with other titles of the United States Code.

PUB. L. 103-429

This amends 49:46502(a)(2)(B) and (b)(1)(B) to clarify the restatement of 49 App.:1472(i)(1)(B) and (n)(1)(B) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1241, 1242).

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-132, §723(b)(1), inserted “or conspiring” after “attempting”.

Subsec. (b)(1). Pub. L. 104-132, §§721(a)(1), 723(b)(2), in introductory provisions, inserted “or conspiring to commit” after “committing” and struck out “and later found in the United States” after “jurisdiction of the United States”.

Subsec. (b)(2). Pub. L. 104-132, §721(a)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “This subsection applies only if the place of take-off or landing of the aircraft on which the individual commits the offense is located outside the territory of the country of registration of the aircraft.”

Subsec. (b)(3). Pub. L. 104-132, §721(a)(3), added par. (3).

1994—Subsecs. (a)(2)(B), (b)(1)(B). Pub. L. 103-429 inserted “notwithstanding section 3559(b) of title 18,” before “if the death”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

DEATH PENALTY PROCEDURES FOR CERTAIN AIR PIRACY CASES OCCURRING BEFORE ENACTMENT OF THE FEDERAL DEATH PENALTY ACT OF 1994

Pub. L. 109-177, title II, §211, Mar. 9, 2006, 120 Stat. 230, provided that:

“(a) IN GENERAL.—Section 60003 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), is amended, as of the time of its enactment [Sept. 13, 1994], by adding at the end the following:

“(c) [Omitted, see below.]”.

“(b) SEVERABILITY CLAUSE.—If any provision of section 60003(b)(2) of the Violent Crime and Law Enforcement Act of 1994 (Public Law 103-322) [repealed section 46503 of this title], or the application thereof to any person or any circumstance is held invalid, the remainder of such section and the application of such section to other persons or circumstances shall not be affected thereby.”

Pub. L. 103-322, title VI, §60003(c), as added by Pub. L. 109-177, title II, §211(a), Mar. 9, 2006, 120 Stat. 230, provided that:

“(c) DEATH PENALTY PROCEDURES FOR CERTAIN PREVIOUS AIRCRAFT PIRACY VIOLATIONS.—An individual convicted of violating section 46502 of title 49, United States Code, or its predecessor, may be sentenced to death in accordance with the procedures established in chapter 228 of title 18, United States Code, if for any offense committed before the enactment of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) [Sept. 13, 1994], but after the enactment of the Antihijacking Act of 1974 (Public Law 93-366) [Aug. 5, 1974], it is determined by the finder of fact, before consideration of the factors set forth in sections 3591(a)(2) and 3592(a) and (c) of title 18, United States Code, that one or more of the factors set forth in former section 46503(c)(2) of title 49, United States Code, or its predecessor, has been proven by the Gov-

ernment to exist, beyond a reasonable doubt, and that none of the factors set forth in former section 46503(c)(1) of title 49, United States Code, or its predecessor, has been proven by the defendant to exist, by a preponderance of the information. The meaning of the term ‘especially heinous, cruel, or depraved’, as used in the factor set forth in former section 46503(c)(2)(B)(iv) of title 49, United States Code, or its predecessor, shall be narrowed by adding the limiting language ‘in that it involved torture or serious physical abuse to the victim’, and shall be construed as when that term is used in section 3592(c)(6) of title 18, United States Code.”

AIRCRAFT PIRACY

The United States is a party to the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague, Dec. 16, 1970, entered into force as to the United States, Oct. 14, 1971, 22 UST 1641.

§ 46503. Interference with security screening personnel

An individual in an area within a commercial service airport in the United States who, by assaulting a Federal, airport, or air carrier employee who has security duties within the airport, interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties, shall be fined under title 18, imprisoned for not more than 10 years, or both. If the individual used a dangerous weapon in committing the assault or interference, the individual may be imprisoned for any term of years or life imprisonment.

(Added Pub. L. 107-71, title I, §114(a), Nov. 19, 2001, 115 Stat. 623.)

PRIOR PROVISIONS

A prior section 46503, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1242, provided for death penalty sentencing procedure for individuals convicted of aircraft piracy, prior to repeal by Pub. L. 103-322, title VI, §60003(b)(2), Sept. 13, 1994, 108 Stat. 1970.

§ 46504. Interference with flight crew members and attendants

An individual on an aircraft in the special aircraft jurisdiction of the United States who, by assaulting or intimidating a flight crew member or flight attendant of the aircraft, interferes with the performance of the duties of the member or attendant or lessens the ability of the member or attendant to perform those duties, or attempts or conspires to do such an act, shall be fined under title 18, imprisoned for not more than 20 years, or both. However, if a dangerous weapon is used in assaulting or intimidating the member or attendant, the individual shall be imprisoned for any term of years or for life.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1244; Pub. L. 107-56, title VIII, §811(i), Oct. 26, 2001, 115 Stat. 382.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46504	49 App.:1472(j).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §902(j); added Sept. 5, 1961, Pub. L. 87-197, §1, 75 Stat. 466; Oct. 14, 1970, Pub. L. 91-449, §1(3), 84 Stat. 921.

The words “or threatens” are omitted as being included in “intimidating”. The words “(including any

steward or stewardess)” are omitted as being included in “attendant”. The words “fined under title 18” are substituted for “fined not more than \$10,000” for consistency with title 18. The words “deadly or” are omitted as surplus.

AMENDMENTS

2001—Pub. L. 107–56 inserted “or attempts or conspires to do such an act,” before “shall be fined under title 18.”.

§ 46505. Carrying a weapon or explosive on an aircraft

(a) DEFINITION.—In this section, “loaded firearm” means a starter gun or a weapon designed or converted to expel a projectile through an explosive, that has a cartridge, a detonator, or powder in the chamber, magazine, cylinder, or clip.

(b) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18, imprisoned for not more than 10 years, or both, if the individual—

(1) when on, or attempting to get on, an aircraft in, or intended for operation in, air transportation or intrastate air transportation, has on or about the individual or the property of the individual a concealed dangerous weapon that is or would be accessible to the individual in flight;

(2) has placed, attempted to place, or attempted to have placed a loaded firearm on that aircraft in property not accessible to passengers in flight; or

(3) has on or about the individual, or has placed, attempted to place, or attempted to have placed on that aircraft, an explosive or incendiary device.

(c) CRIMINAL PENALTY INVOLVING DISREGARD FOR HUMAN LIFE.—An individual who willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, violates subsection (b) of this section, shall be fined under title 18, imprisoned for not more than 20 years, or both, and, if death results to any person, shall be imprisoned for any term of years or for life.

(d) NONAPPLICATION.—Subsection (b)(1) of this section does not apply to—

(1) a law enforcement officer of a State or political subdivision of a State, or an officer or employee of the United States Government, authorized to carry arms in an official capacity;

(2) another individual the Administrator of the Federal Aviation Administration or the Under Secretary of Transportation for Security by regulation authorizes to carry a dangerous weapon in air transportation or intrastate air transportation; or

(3) an individual transporting a weapon (except a loaded firearm) in baggage not accessible to a passenger in flight if the air carrier was informed of the presence of the weapon.

(e) CONSPIRACY.—If two or more persons conspire to violate subsection (b) or (c), and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in such subsection.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1244; Pub. L. 104–132, title VII, §705(b), Apr. 24, 1996,

110 Stat. 1295; Pub. L. 107–56, title VIII, §§810(g), 811(j), Oct. 26, 2001, 115 Stat. 381, 382; Pub. L. 107–71, title I, §140(d)(8), Nov. 19, 2001, 115 Stat. 642.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46505(a)	49 App.:1472(l)(4).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §902(l)(4); added Feb. 18, 1980, Pub. L. 96–193, §502(c), 94 Stat. 59.
46505(b)	49 App.:1472(l)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §902(l)(1); added Sept. 5, 1961, Pub. L. 87–197, §1, 75 Stat. 466; Aug. 5, 1974, Pub. L. 93–366, §203, 88 Stat. 417; restated Feb. 18, 1980, Pub. L. 96–193, §502(a), 94 Stat. 59; Oct. 12, 1984, Pub. L. 98–473, §2014(c)(1), 98 Stat. 2189.
46505(c)	49 App.:1472(l)(2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §902(l)(2); added Sept. 5, 1961, Pub. L. 87–197, §1, 75 Stat. 466; restated Aug. 5, 1974, Pub. L. 93–366, §203, 88 Stat. 418; Oct. 12, 1984, Pub. L. 98–473, §2014(c)(2), 98 Stat. 2189.
46505(d)	49 App.:1472(l)(3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §902(l)(3); added Sept. 5, 1961, Pub. L. 87–197, §1, 75 Stat. 466; restated Aug. 5, 1974, Pub. L. 93–366, §203, 88 Stat. 418; Feb. 18, 1980, Pub. L. 96–193, §502(b), 94 Stat. 59.

In subsection (a), the definition of “firearm” is merged with the definition of “loaded firearm” because the term “firearm” is only used in the defined term “loaded firearm”.

In subsections (b) and (c), the words “fined under title 18” are substituted for “fined not more than \$10,000” and “fined not more than \$25,000” for consistency with title 18.

In subsections (b)(1) and (d)(2), the words “deadly or” are omitted as surplus.

In subsection (b)(2), the words “baggage or other” are omitted as surplus.

In subsection (b)(3), the words “bomb or similar” are omitted as surplus.

In subsection (d)(1), the words “State or political subdivision of a State” are substituted for “municipal or State government” for consistency in the revised title and with other titles of the United States Code. The words “or required” are omitted as surplus.

In subsection (d)(3), the word “contained” is omitted as surplus.

AMENDMENTS

2001—Subsec. (c). Pub. L. 107–56, §810(g), substituted “20 years, or both, and, if death results to any person, shall be imprisoned for any term of years or for life.” for “15 years, or both.”

Subsec. (d)(2). Pub. L. 107–71, §140(d)(8), inserted “or the Under Secretary of Transportation for Security” after “Federal Aviation Administration”.

Subsec. (e). Pub. L. 107–56, §811(j), added subsec. (e).

1996—Subsec. (b). Pub. L. 104–132, §705(b)(1), substituted “10 years” for “one year”.

Subsec. (c). Pub. L. 104–132, §705(b)(2), substituted “15 years” for “5 years”.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic

Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46506. Application of certain criminal laws to acts on aircraft

An individual on an aircraft in the special aircraft jurisdiction of the United States who commits an act that—

(1) if committed in the special maritime and territorial jurisdiction of the United States (as defined in section 7 of title 18) would violate section 113, 114, 661, 662, 1111, 1112, 1113, or 2111 or chapter 109A of title 18, shall be fined under title 18, imprisoned under that section or chapter, or both; or

(2) if committed in the District of Columbia would violate section 9 of the Act of July 29, 1892 (D.C. Code § 22-1112), shall be fined under title 18, imprisoned under section 9 of the Act, or both.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1245.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46506	49 App.:1472(k).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §902(k); added Sept. 5, 1961, Pub. L. 87-197, §1, 75 Stat. 466; Oct. 14, 1970, Pub. L. 91-449, §1(3), 84 Stat. 921; Nov. 10, 1986, Pub. L. 99-646, §87(d)(8), 100 Stat. 3624; Nov. 14, 1986, Pub. L. 99-654, §3(b)(8), 100 Stat. 3664.

In clause (1), the words “fined under title 18, imprisoned under that section or chapter, or both” are substituted for “punished as provided therein” for consistency with title 18.

In clause (2), the words “fined under title 18, imprisoned under section 9 of the Act, or both” are substituted for “punished as provided therein” for consistency with title 18.

REFERENCES IN TEXT

Section 9 of the Act of July 29, 1892, referred to in par. (2), is section 9 of act July 29, 1892, ch. 320, 27 Stat. 324, as amended, which is not classified to the Code.

§ 46507. False information and threats

An individual shall be fined under title 18, imprisoned for not more than 5 years, or both, if the individual—

(1) knowing the information to be false, willfully and maliciously or with reckless disregard for the safety of human life, gives, or causes to be given, under circumstances in which the information reasonably may be believed, false information about an alleged attempt being made or to be made to do an act that would violate section 46502(a), 46504, 46505, or 46506 of this title; or

(2)(A) threatens to violate section 46502(a), 46504, 46505, or 46506 of this title, or causes a threat to violate any of those sections to be made; and

(B) has the apparent determination and will to carry out the threat.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1245.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46507	49 App.:1472(m).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §902(m); added Sept. 5, 1961, Pub. L. 87-197, §1, 75 Stat. 467; restated Oct. 12, 1984, Pub. L. 98-473, §2014(d)(1), 98 Stat. 2190.

In this section, before clause (1), the words “fined under title 18” are substituted for “fined not more than \$25,000” for consistency with title 18. In clauses (1) and (2), the words “a felony” are omitted as surplus. In clause (1), the words “gives, or causes to be given” are substituted for “imparts or conveys or causes to be imparted or conveyed” to eliminate unnecessary words. The words “attempt or” are omitted as surplus. In clause (2), the words “threatens . . . or causes a threat . . . to be made” are substituted for “imparts or conveys or causes to be imparted or conveyed any threat” to eliminate unnecessary words.

PART B—AIRPORT DEVELOPMENT AND NOISE

CHAPTER 471—AIRPORT DEVELOPMENT

SUBCHAPTER I—AIRPORT IMPROVEMENT

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47105.	Project grant applications.
47106.	Project grant application approval conditioned on satisfaction of project requirements.
47107.	Project grant application approval conditioned on assurances about airport operations.
47108.	Project grant agreements.
47109.	United States Government's share of project costs.
47110.	Allowable project costs.
47111.	Payments under project grant agreements.
47112.	Carrying out airport development projects.
47113.	Minority and disadvantaged business participation.
47114.	Apportionments.
47115.	Discretionary fund.
47116.	Small airport fund.
47117.	Use of apportioned amounts.
47118.	Designating current and former military airports.
47119.	Terminal development costs.
47120.	Grant priority.
47121.	Records and audits.
47122.	Administrative.
47123.	Nondiscrimination.
47124.	Agreements for State and local operation of airport facilities.
47125.	Conveyances of United States Government land.
47126.	Criminal penalties for false statements.
47127.	Ground transportation demonstration projects.
47128.	State block grant program.
47129.	Resolution of airport-air carrier disputes concerning airport fees.
47130.	Airport safety data collection.
47131.	Annual report.
[47132.]	Repealed.]
47133.	Restriction on use of revenues.
47134.	Pilot program on private ownership of airports.
47135.	Innovative financing techniques.
47136.	Inherently low-emission airport vehicle pilot program.